



July 11, 2018

Ms. Carol Sutkus, Manager
Rule Evaluations Section
California Air Resources Board
P.O. Box 2815
Sacramento, CA 95812

RE: Rule Action Package for Rule 4692 (Commercial Charbroiling)

Dear Ms. Sutkus:

Attached is the Rule Action Package for Rule 4692 (Commercial Charbroiling), adopted by the District's Governing Board on June 21, 2018. We request the California Air Resources Board (ARB) transmit this rule and the appropriate documentation to the United States Environmental Protection Agency (EPA) as a SIP revision.

Included with this Rule Action Package are the following attachments:

1. ARB SIP Completeness Checklist
2. ARB APCD/AQMD Rule Evaluation Form
3. Clean Copy of Rule 4692
4. Underline/Strikeout Copy of Rule 4692
5. Governing Board Resolution
6. Evidence of Public Notice
7. Governing Board Memo with attachments, including Final Staff Report

If you have any questions, please contact Chay Thao at (559) 230-6100 or by e-mail at chay.thao@valleyair.org. Thank you for your time and assistance!

Sincerely,



Sheraz Gill
Director of Strategies and Incentives

Attachments

Samir Sheikh
Executive Director/Air Pollution Control Officer

Northern Region
4800 Enterprise Way
Modesto, CA 95356-8718
Tel: (209) 557-6400 FAX: (209) 557-6475

Central Region (Main Office)
1990 E. Gettysburg Avenue
Fresno, CA 93726-0244
Tel: (559) 230-6000 FAX: (559) 230-6061

Southern Region
34946 Flyover Court
Bakersfield, CA 93308-9725
Tel: 661-392-5500 FAX: 661-392-5585

CALIFORNIA AIR RESOURCES BOARD

SIP COMPLETENESS CHECKLIST
(Electronic Format)

*** TO BE COMPLETED BY DISTRICT AND RETURNED TO ARB ***

All rules submitted to the EPA as State Implementation Plan (SIP) revisions must be supported by certain information and documentation for the rule packages to be deemed complete for review by the EPA. Rules will not be evaluated for approvability by the EPA unless the submittal packages are complete. To assist you in determining that all necessary materials are included in rules packages sent to the ARB for submittal to the EPA, please fill out the following form and include it with the rule package you send ARB. See the ARB's Guidelines on the Implementation of the 40 CFR 51, Appendix V, for a more detailed explanation than is provided here. Adopted rules and rule amendments should be checked against U.S. EPA's Guidance Document for Correcting Common VOC & Other Rule Deficiencies (Little Blue Book, August 21, 2001) to ensure that they contain no elements which will result in disapproval by EPA.

District: San Joaquin Valley Air Pollution Control District

Rule No: 4962

Rule Title: Commercial Charbroiling

Date Adopted or Amended: June 21, 2018

ADMINISTRATIVE MATERIALS

Note: All documents should be in electronic format. Items that have signatures, initials, or stamps may be scanned.

<u>Attached</u>	<u>Not Attached</u>	<u>N/A</u>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>COMPLETE COPY OF THE RULE:</u> Provide an unmarked copy of the entire rule as adopted or amended by your District Board.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>UNDERLINE AND STRIKEOUT COPY OF THE RULE:</u> If an amended rule, provide a complete copy of the rule indicating in underline and strikeout format all language which has been added, deleted, or changed since the rule was last adopted or amended.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>COMPLETE COPY OF THE REFERENCED RULE(S):</u> For any rule which includes language specifically referencing another rule, a copy of that other rule must also be submitted, unless it has already been submitted to EPA as part of a previous SIP submittal.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>PUBLIC NOTICE EVIDENCE:</u> Include a copy of the local newspaper clipping certification(s), stating the date of publication, which must be at least 30 days before the hearing. As an alternative, include a copy of the actual published notice of the public hearing as it appeared in the local newspaper(s). In this case, however, enough of the newspaper page must be included to show the date of publication. The notice must specifically identify by title and number each rule adopted or amended.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>RESOLUTION/MINUTE ORDER:</u> Provide the Board Clerk certified resolution or minute order. This document must include certification that the hearing was held in accordance with the information in the public notice. It must also list the rules that were adopted or amended, the date of the public hearing, and a statement of compliance with California Health and Safety Code Sections 40725-40728 (Administrative Procedures Act).
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>PUBLIC COMMENTS AND RESPONSES:</u> Submit copies of written public comments made during the notice period and at the public hearing. Also submit any written responses prepared by the District staff or presented to the District Board at the public hearing. A summary of the public comments and responses is adequate. If there were no comments made during the notice period or at the hearing, please indicate N/A to the left.

CALIFORNIA AIR RESOURCES BOARD

SIP COMPLETENESS CHECKLIST
(Electronic Format)

TECHNICAL MATERIALS

<u>Attached</u>	<u>Not Attached</u>	<u>N/A</u>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>RULE EVALUATION FORM:</u> See instructions for completing the Rule Evaluation Form and the accompanying sample form.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>NON-EPA TEST METHODS:</u> Attach all test methods that are referenced in your rule that do not appear in 40 CFR 51, 60, 61, 63, or have not been previously submitted to EPA. EPA methods used in other media such as SW846 for solid waste are not automatically approved for air pollution applications. Submittal of test methods that are not EPA-approved should include the information and follow the procedure described in Region 9's "Test Method Review & Evaluation Process."
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>MODELING SUPPORT:</u> Provide if appropriate. In general, modeling support is not required for VOC and NOx rules to determine their impacts on ozone levels. Modeling is required where a rule is a relaxation that affects large sources (≥ 100 TPY) in an attainment area for SO ₂ , directly emitted PM ₁₀ , CO, or NO _x (for NO ₂ purposes). In cases where EPA is concerned with the impact on air quality of rule revisions which relax limits or cause a shift in emission patterns in a nonattainment area, a reference back to the approved SIP will be sufficient provided the approved SIP accounts for the relaxation and provided the approved SIP used the current EPA modeling guidelines. If current EPA modeling guidelines were not used, then new modeling may be required.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>ECONOMIC AND TECHNICAL JUSTIFICATION FOR DEVIATIONS FROM EPA POLICIES:</u> The District staff report or other information included with the submittal should discuss all potential relaxations or deviations from RACT, RACM, BACT, BACM, enforceability, attainment, RFP, or other relevant EPA requirements. This includes, for example, demonstrating that exemptions or emission limits less stringent than the presumptive RACT (e.g., a CTG) meet EPA's 5 percent policy, and demonstrating that all source categories exempted from a RACM/BACM rule are de minimus according to EPA's RACM/BACM policy.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>ADDITIONAL MATERIALS:</u> Provide District staff reports and any other supporting information concerning development of the rule or rule changes. This information should explain the basis for all limits and thresholds contained in the rule.

APCD/AQMD RULE EVALUATION FORM -- Page 1
(Electronic Format)

I. GENERAL INFORMATIONDistrict: San Joaquin Valley Air Pollution Control DistrictRule No(s): 4692 Date adopted/Amended/Rescinded: June 21, 2018Rule Title(s): Commercial Char broiling

Date Submitted to ARB: _____

If an Amended Rule, Date Last Amended (or Adopted): September 17, 2009Is the Rule Intended to be Sent to the U.S. EPA as a SIP Revision? ☒ Yes ☐ No *(If No, do not complete remainder of form)*District Contact: Chay Thao Phone Number: (559) 230-6000 E-mail Address: chay.thao@valleyair.orgNarrative Summary of New Rule or Rule Changes: ☐ New Rule ☒ Amended RuleSJVAPCD Rule 4692 has been amended to require registration of commercial underfired charbroiler units.Pollutant(s) Regulated by the Rule (Check): ☒ ROG ☐ (NOx) ☐ SO2
☐ (CO) ☒ PM ☐ TAC (name): _____**II. EFFECT ON EMISSIONS***Complete this section ONLY for rules that, when implemented, will result in quantifiable changes in emissions. Attach reference(s) for emission factor(s) and other information. Attach calculation sheet showing how the emission information provided below was determined.*Net Effect on Emissions: ☐ Increase ☐ Decrease ☒ N/A

Emission Reduction Commitment in SIP for this Source Category: _____

Inventory Year Used to Calculate Changes in Emissions: _____ Area Affected: _____

Future Year Control Profile Estimate *(Provide information on as many years as possible):*

APCD/AQMD RULE EVALUATION FORM -- Page 2
(Electronic Format)

Baseline Inventory in the SIP for the Control Measure: _____

Emissions Reduction Commitment in the SIP for the Control Measure: _____

Revised Baseline Inventory (if any): _____

Revised Emission Reduction Estimate (if developed): _____

*Note that the district's input to the Rule Evaluation Form will not be used as input to the ARB's emission forecasting and planning.***III. SOURCES/ATTAINMENT STATUS**District is: ☐ Attainment ☒ Nonattainment ☐ SplitApproximate Total Number of Small (<100 TPY) Sources Affected by this Amendment: N/APercent in Nonattainment Area: N/A%Number of Large (\geq 100 TPY) Sources Controlled: N/A Percent in Nonattainment Area: N/A%Name(s) and Location(s) (city and county) of Large (\geq 100 TPY) Sources Controlled by Rule (Attach additional sheets as necessary): N/A**IV. EMISSION REDUCTION TECHNOLOGY**Does the Rule Include Emission Limits that are Continuous? ☐ Yes ☒ NoIf Yes, Those Limits are in Section(s) N/A of the Rule.Other Methods in the Rule for Achieving Emission Reductions are: N/A**V. OTHER REQUIREMENTS**

The Rule Contains:

Emission Limits in Section(s): 5.1 Work Practice Standards in Section(s): 5.1Recordkeeping Requirements in Section(s): 6.0 Reporting Requirements in Section(s): 5.2

APCD/AQMD RULE EVALUATION FORM -- Page 3
(Electronic Format)

VI. IMPACT ON AIR QUALITY PLAN

☒ No Impact ☐ Impacts RFP ☐ Impacts attainment

Discussion: The amendments to Rule 4692 require owners and operators of applicable underfired charbroilers to register units, keep weekly records of the type and quantity of meat cooked on each unit, and to submit an informational one-time report. This information will be used to evaluate the potential of future controls for this source category.

BEFORE THE GOVERNING BOARD OF THE
SAN JOAQUIN VALLEY UNIFIED
AIR POLLUTION CONTROL DISTRICT

IN THE MATTER OF: PROPOSED
AMENDMENTS TO RULE 4692
(COMMERCIAL CHARBROILING)

RESOLUTION NO. 18-06-19

WHEREAS, the San Joaquin Valley Unified Air Pollution Control District (District) is a duly constituted unified air pollution control district, as provided in California Health and Safety Code (CH&SC) Sections (§) 40150 et seq. and 40600 et seq.; and

WHEREAS, said District is authorized by CH&SC §40702 to make and enforce all necessary and proper orders, rules, and regulations to accomplish the purpose of Division 26 of the CH&SC; and

WHEREAS, pursuant to federal Clean Air Act (CAA) §107, the San Joaquin Valley Air Basin (Valley) is designated as nonattainment for the national health-based air quality standards for ozone and particulate matter 2.5 microns and smaller (PM2.5); and

WHEREAS, pursuant to CH&SC §39608, the Valley is designated as a nonattainment area for the state health-based air quality standards for ozone and PM2.5; and

WHEREAS, proposed amendments to Rule 4692 would cause commercial underfired charbroiler units to lose their permit exemption, except for units that cook less than 400 pounds of meat in any calendar week, or units that cook less than or equal to 10,800 pounds in any 12-month period and less than 875 pounds per calendar week; and

WHEREAS, proposed amendments to Rule 4692 will require such units losing their permit exemption to register pursuant to District Rule 2250 (Permit Exempt Equipment Registration) in lieu of permitting requirements; and

WHEREAS, proposed amendments would add weekly record-keeping requirements for owners and operators of underfired charbroiler operations subject to registration requirements; and

WHEREAS, proposed amendments to Rule 4692 would require all commercial cooking

1 operations with an underfired charbroiler to submit a one-time report to the District by
2 January 1, 2019, with information as specified in the amended rule; and

3 **WHEREAS**, a public hearing for the adoption of proposed amendments to Rule 4692
4 was duly noticed for June 21, 2018 in accordance with CH&SC §40725.

5 **NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

6 1. The Governing Board hereby adopts the proposed amendments to Rule 4692
7 (Commercial Charbroiling). Said rule shall become effective on June 21, 2018.

8 2. The Governing Board hereby finds, based on the evidence and information
9 presented at the hearing upon which its decision is based, all notices required to be given
10 by law have been duly given in accordance with CH&SC §40725, and the Governing
11 Board has allowed public testimony in accordance with CH&SC §40726.

12 3. In connection with said rulemaking, the Governing Board makes the following
13 findings as required by CH&SC §40727:

14 a. **NECESSITY.** The Governing Board finds, based on the staff report, public
15 testimony, and the record for this rulemaking proceeding, that a need exists for said rule
16 amendments.

17 b. **AUTHORITY.** The Governing Board finds that it has the legal authority for
18 said rulemaking under CH&SC §40000 and 40001.

19 c. **CLARITY.** The Governing Board finds that said rule is written or displayed
20 so that the meaning can be easily understood by those persons or industries directly
21 affected by said rule.

22 d. **CONSISTENCY.** The Governing Board finds that said rule is in harmony with,
23 and not in conflict with or contradictory to, existing statutes, court decisions, or state or
24 federal regulations.

25 e. **NONDUPLICATION.** The Governing Board finds that said rule does not
26 impose the same requirements as any existing state or federal regulation.

27

1 f. **REFERENCE.** The Governing Board finds that said rulemaking implements
2 federal CAA §172(c)(1) and CH&SC §40920.

3 4. The Governing Board hereby finds that the requirements of CH&SC §40728.5
4 and 40920.6 have been satisfied to the greatest extent possible, and that the Governing
5 Board has actively considered and made a good faith effort to minimize any adverse
6 socioeconomic impacts associated with the proposed rulemaking.

7 5. The Governing Board finds that, because this rulemaking will not cause either a
8 direct physical change in the environment or a reasonably foreseeable indirect physical
9 change in the environment, the proposed actions do not constitute a project under the
10 provisions of the California Environmental Quality Act (CEQA) Guidelines § 15378.
11 Furthermore, the proposed actions are exempt for actions taken by regulatory agencies,
12 as authorized by state or local ordinance, to assure the maintenance, restoration,
13 enhancement, or protection of the environment where the regulatory process involves
14 procedures for protection of the environment (CEQA Guidelines §15308) (Actions by
15 Regulatory Agencies for Protection of the Environment) and exempt from CEQA per the
16 general rule that CEQA applies only to projects which have the potential for causing a
17 significant effect on the environment (CEQA Guidelines §15061 (b)(3)). Therefore
18 pursuant to Section 15062 of the CEQA guidelines, Staff will file a Notice of Exemption
19 upon Governing Board approval of amendments to Rule 4692.

20 6. The Executive Director/Air Pollution Control Officer is directed to file a Notice of
21 Exemption with the County Clerks of each of the counties in the District.

22 7. The Executive Director/Air Pollution Control Officer is directed to file with all
23 appropriate agencies certified copies of this resolution and the rule adopted herein and
24 is directed to maintain a record of this rulemaking proceeding in accordance with
25 CH&SC §40728.

26 8. The Executive Director/Air Pollution Control Officer is directed to transmit said rule
27 to the California Air Resources Board for incorporation into the SIP.

9. The Governing Board authorizes the Executive Director/Air Pollution Control Officer to include in the submittal or subsequent documentation any technical corrections, clarifications, or additions that may be needed to secure EPA approval, provided such changes do not alter the substantive requirements of the approved rule.

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1 **THE FOREGOING** was passed and adopted by the following vote of the
2 Governing Board of the San Joaquin Valley Unified Air Pollution Control District this 21st
3 day of June 2018, to wit:

4
5 **AYES:** Ayers, Bessinger, Capitman, Couch,
6 Elliott, Fugazi, Olsen, Pareira, Pedersen,
7 Reyes, Sherriffs, Vierra, Wheeler, Worthley

8 **NOES:** None

9
10
11 **ABSENT:** Mendes

12
13
14
15 SAN JOAQUIN VALLEY UNIFIED
16 AIR POLLUTION CONTROL DISTRICT

17 By  _____

18 Buddy Mendes, Chair
19 Governing Board

20 **ATTEST:**
21 Deputy Clerk of the Governing Board

22 By  _____

23 Michelle Franco
24
25
26
27



San Joaquin Valley

AIR POLLUTION CONTROL DISTRICT



GOVERNING BOARD

Buddy Mendes, Chair
Supervisor, Fresno County

J. Steven Worthley, Vice Chair
Supervisor, Tulare County

David Ayers
Mayor, City of Hanford

Drew M. Bessinger
Councilmember, City of Clovis

John Capitman, Ph.D.
Appointed by Governor

David Couch
Supervisor, Kern County

Bob Elliott
Supervisor, San Joaquin County

Christina Fugazi
Councilmember, City of Stockton

Kristin Olsen
Supervisor, Stanislaus County

Lloyd Pareira
Supervisor, Merced County

Craig Pedersen
Supervisor, Kings County

Monte Reyes
Councilmember, City of Porterville

Alexander C. Sherriffs, M.D.
Appointed by Governor

Chris Vierra
Mayor, City of Ceres

Tom Wheeler
Supervisor, Madera County

Seyed Sadredin
Executive Director
Air Pollution Control Officer

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4800 Enterprise Way
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Bakersfield, CA 93308-9725
(661) 392-5500 • FAX (661) 392-5585

DATE: June 21, 2018

TO: SJVUAPCD Governing Board

FROM: Seyed Sadredin, Executive Director/APCO
Project Coordinator: Sheraz Gill

RE: **ITEM NUMBER 9: ADOPT PROPOSED
AMENDMENTS TO DISTRICT RULE 4692
(COMMERCIAL CHARBROILING)**

RECOMMENDATION:

1. Adopt proposed amendments to Rule 4692 (Commercial Charbroiling).
2. Authorize the Chair to sign the attached Resolution.

BACKGROUND:

Extensive scientific modeling and air quality analysis indicates that the Valley cannot attain the federal PM_{2.5} standards without significant reductions in emissions from commercial underfired charbroilers.

As directed by your Board, as a part of the work to prepare the PM_{2.5} plan, the District is currently developing a new measure to reduce emissions from underfired charbroiling in the Valley that will include financial incentives to help fund accelerated deployment of charbroiler emission control technologies in the Valley and a regulatory backstop to encourage participation. As a first step, to enable the District to implement this measure in a cost-effective and expeditious manner, similar to other businesses subject to the District's regulatory measures, the District must initiate permitting of affected operations. Today's proposed amendments to Rule 4692 will provide the administrative process necessary, through registration in lieu of permitting, for securing the needed reductions in emissions in an effective and efficient manner.

DISCUSSION:

Since 2002, the District has required the installation and operation of particulate matter control devices on chain-driven commercial charbroilers through District Rule 4692 (Commercial Charbroilers). The unavailability of a feasible and cost-effective control technology has been the barrier to the District's attempt to impose similar requirements for underfired charbroiling operations. Other air districts in California have encountered similar difficulties in identifying and requiring compliant control technologies for underfired charbroilers.

Modeling conducted by ARB and the District for the District's latest PM_{2.5} attainment strategy shows that reducing emissions from underfired charbroiling is critical in helping bring the Valley into attainment. Based on analysis of the modeling conducted, the benefits that the Valley would realize through reasonable control of charbroilers at a total Valley-wide cost of less than \$35 million are equal to the benefits of imposing NO_x control measures at a cost of \$14 billion on other Valley businesses.

Under your Board's direction, the District has long strived to maintain an efficient and expedited permitting/registration program at low cost. Permits/registrations provide an effective and streamlined method to accomplish the following:

- Identify and inventory significant sources of air pollution
- Provide existing businesses with ongoing advice and direction on continued compliance with applicable requirements
- Provide new businesses with advanced knowledge necessary to plan and design equipment and facilities in compliance with applicable requirements
- Provide District with effective means to enforce applicable requirements
- Urge eligible businesses to take advantage of District incentive grants

The District already permits commercial chain-driven charbroilers. The proposed amendments to Rule 4692 will provide for the following:

- Commercial underfired charbroiler units will lose their permit exemption upon adoption of the proposed amendments, except for units that cook less than 400 pounds of meat in any calendar week or units that cook less than or equal to 10,800 pounds in any 12-month period and less than 875 pounds per calendar week.
- In lieu of permits, the proposed amendments will require units losing permit exemptions to register, which is less costly and will avoid unintended consequences under the District's New Source Review rule.
- Pursuant to District Rule 2020, Section 9.0, units losing permit exemption will have 6 months to apply for registration.
- Require weekly recordkeeping of quantity of meat cooked only for registered charbroilers
- Require a one-time report from all commercial cooking operations with an underfired charbroiler by January 1, 2019, which includes the following information:

- Name and location of restaurant
- Daily operating hours of the commercial cooking operation
- Number and size of underfired charbroilers
- Type of fuel used to heat the underfired charbroiler(s)
- Type and quantity, in pounds, of meat cooked on the underfired charbroiler(s) on a weekly basis for the previous 12-month period
- Flowrate (CFM) of the hood or exhaust system
- Information about any installed pollution control devices

The District hosted a public workshop on April 26, 2018, to present draft amendments and receive public input. Furthermore, the proposed amendments to Rule 4692 and the final draft staff report were publicly noticed and made available for public review on May 22, 2018. Public comments received to date have been minor, and are summarized in Appendix A of the Final Draft Staff Report for Amendments to Rule 4692.

If the proposed rule amendments are adopted by your Board, District staff will work closely with Valley businesses to streamline the registration process and minimize the cost for both affected businesses and the District.

DISTRICT WORK TO DATE WITH UNDERFIRED CHARBROILERS:

In 2009, the District conducted research and outreach to Valley restaurants to determine whether Rule 4692 applicability could be expanded to include underfired charbroilers and determined that there was a lack of credible and verifiable information necessary to evaluate the costs and reliability in the field of these technologies. Technological feasibility issues and logistical issues requiring further evaluation included the need and cost associated with extensive hood, exhaust system, and roof modifications as well as the costs associated with installation, maintenance, and labor. To help evaluate these issues, in 2009, your Board directed staff to initiate the Charbroiler Incentive Program (ChIP) and authorized \$500,000 in funding for the program. This program was open for 18 months, however, the program did not receive any applications. With the importance of achieving direct PM2.5 emissions reductions from underfired charbroilers to address ever-tightening federal standards, in 2015 your Board approved changes to the incentive program aimed at removing what were viewed as impediments by restaurant owners. Under the new program, the District formed the Restaurant Charbroiler Technology Partnership (RCTP) and took a more active role in identifying and screening potential technology vendors and reaching out to restaurant owners. The new program committed to provide the full cost of deploying these systems including installation and maintenance and increased funding to \$750,000.

Despite the District's efforts in promoting available funding under the RCTP program, the District has faced difficulty in finding restaurants willing to partner with the District to demonstrate new technologies. To date, only one restaurant, the Habit Burger Grill, has successfully completed two years of demonstration of a Molitron wet scrubber in their

Stockton restaurant. Initially, the project experienced hood fan sizing issues, resulting in the restaurant being smoked out and forced to close temporarily. This issue has been addressed and the restaurant has now been successfully operating for about one year with this control device. The Habit Burger Grill has now installed these control devices on seven other new restaurants, with five of these installations in the Valley. The District also recently entered into contract with a new restaurant, Baja Fresh, in Bakersfield with installation anticipated in the near future.

Since 2009, the District has also partnered with the South Coast Air Quality Management District, Bay Area Air Quality Management District, and EPA to further the research and evaluation of emission control technologies for underfired charbroilers. Through this effort, underfired charbroiler technology assessments have been conducted at UC-Riverside College of Engineering's Center for Environmental Research & Technology (CE-CERT). The District provided in-kind technical support and the research was funded with over \$500,000 in contributions provided by South Coast, Bay Area, and EPA. This effort lead to the establishment of published testing methodology, South Coast Method 5.1, which has been used as a benchmark methodology to standardize the testing of control efficiencies of kitchen exhaust pollution control units.

In addition to supporting and evaluating Valley-based underfired charbroiler technology demonstrations, District staff conducted an extensive review and assessment of underfired charbroiler control technology regulations and installations in other regions. This review included reaching out to other regulatory agencies, technology manufacturers, the California Restaurant Association, and restaurants both inside and outside of the Valley to better understand the control technologies available for underfired charbroilers and real-world costs and experiences related to these technologies.

District staff conducted a thorough search and review of regulations adopted by other agencies for underfired charbroiling emissions and contacted these agencies to better understand the requirements and how they have been implemented. Regulations identified include:

- Bay Area Air Quality Management District Regulation 6, Rule 2 (Commercial Cooking Equipment): This rule applies to new and existing restaurants. No restaurants have been subjected to requirements given wide ranging exemptions, lack of enforceability, and lack of approved control devices.
- South Coast Air Quality Management District Rule 1138 (Control of Emissions from Restaurant Operations): This rule applies only to chain-driven charbroilers. Due to lack of demonstrable cost-effective and affordable control technologies, the 2017 South Coast air quality management plan included a rule for underfired charbroilers only as a contingency measure if they fail to reach attainment.

- New York City - Title 24 of the Administrative Code, Section 24-149.4 (Emission Reduction Technologies for Char Broilers): Recently passed in May 2016, this rule requires the installation of control devices certified to provide at least 75% emissions reductions for new restaurants with underfired charbroilers that cook 875 pounds or more of meat per week. Consideration of control requirements for existing units has been pushed back until at least 2019 due to the feasibility questions and higher cost of retrofitting existing operations. New York staff are in the introductory stages of establishing an inventory and planning for inspections and enforcement, with no control installations yet required under the rule.
- City of Aspen, Colorado - Municipal Code: Sec. 13.08.100. Restaurant grills: The City of Aspen, CO (population 6,658) requires the installation of a control device to reduce PM10 emissions by at least 90% for underfired charbroilers installed on or after January 1, 1993, with restaurants in operation prior to 1993 receiving additional flexibility or exempted from control requirements. Based on discussions with the City of Aspen, the majority of restaurants that have installed control technologies under this rule are out of compliance.
- Other local ordinances and requirements related to underfired charbroiling: The District has identified several other local ordinances and requirements that require the use of advanced filtration or other systems to reduce grease and smoke from restaurant operations. While these requirements do not specifically require PM2.5 control technologies, some restaurants with underfired charbroilers have recently installed particulate control technologies in response to these requirements. In all cases, enforcement of these requirements has been difficult and minimal due to resource constraints and lack of enforceability mechanisms.

While the District's evaluation has been successful in identifying potential underfired charbroiling control technologies and an increasing number of newer restaurants that have begun to adopt these technologies, many questions remain with respect to understanding the feasibility and cost of these technologies, as described in more detail below:

- **There has been an increasing number of particulate control technology installations primarily at new or newer restaurants in response to local ordinances and nuisance concerns**: Based on discussions with control technology manufacturers and vendors, an increasing number of particulate control technologies have been installed at restaurants in dense urban areas to address nuisance requirements and concerns. The majority of these installations have been at new or newer restaurants. It is unclear how many of these installations have been at restaurants with underfired charbroilers as it has been difficult to obtain this information from technology vendors and restaurants directly. Restaurants that the District has been able to identify as having installed underfired charbroiling control technologies include Chipotle (multiple installations outside of Valley), Yard House (multiple installations outside of Valley), Bourbon's Steak & Pub at Levi's Stadium

(San Francisco, CA), Deli Delicious (Visalia, CA), Season's 52 (multiple installations outside of Valley), Capital Grill (multiple installations outside of Valley), and the Habit Burger Grill (multiple installations inside and outside of Valley).

- **Retrofitting controls on existing restaurants can be prohibitively expensive and technologically infeasible:** Based on discussions with restaurant operators, technology vendors, and other regulatory agencies, it can be extremely difficult and cost-prohibitive to add controls on existing restaurants. The installation may require structural, electrical, or water-line modifications that may not be feasible. This makes installation costs much higher for existing restaurants compared to new restaurants that can integrate emissions controls into the design. The existing structure may not have the necessary space or structural support for the control unit. Installing the control equipment may require the restaurant to temporarily shut down, resulting in loss of revenue. Furthermore, the existing restaurant may not have the authority to make changes to the building if the space is leased and the landlord is unwilling to accommodate.
- **Installation cost of controls can be prohibitively expensive:** The cost of control units themselves are expensive, ranging from \$30,000 up to \$80,000 for the most complicated unit configurations. In addition, installation costs range from \$10,000 to \$20,000 for new construction and \$20,000 to \$60,000 or higher, depending on the structural and electrical modifications required, for retrofits. It is possible that some high-volume restaurants may be able to support this cost, but restaurants with less income would be financially unable to install these units without incentive support.
- **Maintenance of controls can be prohibitively expensive:** Regular maintenance of control devices is critical to ensure control effectiveness. Depending on the control technology and the type and volume of food cooked, filter change-out is required on a monthly or quarterly basis, with more in-depth filter replacement or unit cleaning required annually. Annual maintenance costs including both labor and materials starts around \$6,000 and can exceed \$100,000 for the highest volume restaurants with solid-fuel fired underfired charbroilers.
- **Maintenance requires specially trained staff that may not be accessible to all restaurants:** Control device cleaning is a complex process, requiring specially trained staff. Training restaurant staff to perform this task may not be feasible, and service companies capable of performing the maintenance may not be readily available nearby. Any delays in required maintenance could cause significant economic impacts to restaurants.
- **Several regulations to reduce emissions from underfired charbroilers exist but have yet to demonstrate effectiveness:** The District's analysis has shown that there are no air districts or other regulatory agencies that have yet to effectively implement or enforce a regulation for underfired charbroiling restaurants. While

there are currently several regulations for this source category, they are predominantly focused on new installations, most allow for multiple exemptions, have ineffective applicability thresholds, rely on unavailable certified equipment, or have poor to nonexistent enforcement, which results in very few restaurants actually being subjected to the control requirements in these regulations.

Although deployment of underfired charbroiler control technologies in Valley restaurants can be cost-prohibitive and faces many challenges, modeling conducted for the District's PM_{2.5} attainment strategy shows that reducing emissions from this category in peak PM_{2.5} urban areas are most effective in helping bring the Valley into attainment in the most cost-effective manner. Therefore, in the September 2017 Governing Board Study Session, your Board approved a hot-spot strategy for underfired charbroilers that includes the following elements:

- ***Provide incentives for installation of controls and related modifications for underfired charbroilers within urban boundaries of hot-spot areas:*** This measure will provide funding to install particulate control technologies at 40% of underfired charbroilers within urban boundaries in hot-spot areas. The average cost of installing underfired charbroiling control technology is estimated to be \$150,000 (capital plus first year of maintenance). At an incentive level covering 100% of this cost, the total cost for this incentive program is estimated at \$30 million. The District's evaluation of underfired charbroiling technology and emissions inventory is still ongoing and these estimates will continue to be refined. To ensure early and robust use of these incentive provided by the District, this measure may need to be supplemented with a regulatory backstop that would encourage participation.

In designing an incentive program that maximizes the economic feasibility for restaurants, it is important that the size of the business and revenues are considered to help determine the restaurant's ability to absorb installation and maintenance costs. Larger restaurants with higher revenue may be able to absorb some or all of the costs of installation and ongoing maintenance, while smaller restaurants will need most if not all of the costs covered. Additionally, to maximize the effectiveness of incentive funding, the size of the charbroiling equipment, volume/quantity of charbroiling, and the associated emissions should to be taken into account in designing the strategy.

- ***Adopt a rule requiring installation of PM controls on large new charbroilers within urban boundaries of hot-spot areas:*** This measure will establish a new regulatory measure that requires the installation of particulate control technologies at new larger restaurants where underfired technologies appear to be most technologically feasible. This measure may only be feasible with incentives to help restaurants offset the cost associated with installation of these technologies. At an incentive level covering 50% of the cost, the total cost for this incentive program is estimated at \$5 million.

FISCAL IMPACT:

The District expects the workload associated with this registration program to be accommodated with existing staff, so no Budget adjustments are necessary at this time.

Attachments:

Attachment A: Resolution for Proposed Amendments to Rule 4692 (5 pages)

Attachment B: Proposed Amendments to Rule 4692 (10 pages)

*Attachment C: Final Draft Staff Report with Appendix for Proposed Amendments to Rule 4692
(14 pages)*

San Joaquin Valley Unified Air Pollution Control District
Meeting of the Governing Board
June 21, 2018

ADOPT PROPOSED AMENDMENTS TO DISTRICT RULE 4692
(COMMERCIAL CHARBROILING)

Attachment A:

Resolution for Proposed Amendments to Rule 4692
(5 PAGES)

BEFORE THE GOVERNING BOARD OF THE
SAN JOAQUIN VALLEY UNIFIED
AIR POLLUTION CONTROL DISTRICT

IN THE MATTER OF: PROPOSED } RESOLUTION NO. _____
AMENDMENTS TO RULE 4692 }
(COMMERCIAL CHARBROILING) }

WHEREAS, the San Joaquin Valley Unified Air Pollution Control District (District) is a duly constituted unified air pollution control district, as provided in California Health and Safety Code (CH&SC) Sections (§) 40150 et seq. and 40600 et seq.; and

WHEREAS, said District is authorized by CH&SC §40702 to make and enforce all necessary and proper orders, rules, and regulations to accomplish the purpose of Division 26 of the CH&SC; and

WHEREAS, pursuant to federal Clean Air Act (CAA) §107, the San Joaquin Valley Air Basin (Valley) is designated as nonattainment for the national health-based air quality standards for ozone and particulate matter 2.5 microns and smaller (PM2.5); and

WHEREAS, pursuant to CH&SC §39608, the Valley is designated as a nonattainment area for the state health-based air quality standards for ozone and PM2.5; and

WHEREAS, proposed amendments to Rule 4692 would cause commercial underfired charbroiler units to lose their permit exemption, except for units that cook less than 400 pounds of meat in any calendar week, or units that cook less than or equal to 10,800 pounds in any 12-month period and less than 875 pounds per calendar week; and

WHEREAS, proposed amendments to Rule 4692 will require such units losing their permit exemption to register pursuant to District Rule 2250 (Permit Exempt Equipment Registration) in lieu of permitting requirements; and

WHEREAS, proposed amendments would add weekly record-keeping requirements for owners and operators of underfired charbroiler operations subject to registration requirements; and

WHEREAS, proposed amendments to Rule 4692 would require all commercial cooking

operations with an underfired charbroiler to submit a one-time report to the District by January 1, 2019, with information as specified in the amended rule; and

WHEREAS, a public hearing for the adoption of proposed amendments to Rule 4692 was duly noticed for June 21, 2018 in accordance with CH&SC §40725.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Governing Board hereby adopts the proposed amendments to Rule 4692 (Commercial Charbroiling). Said rule shall become effective on June 21, 2018.

2. The Governing Board hereby finds, based on the evidence and information presented at the hearing upon which its decision is based, all notices required to be given by law have been duly given in accordance with CH&SC §40725, and the Governing Board has allowed public testimony in accordance with CH&SC §40726.

3. In connection with said rulemaking, the Governing Board makes the following findings as required by CH&SC §40727:

a. **NECESSITY.** The Governing Board finds, based on the staff report, public testimony, and the record for this rulemaking proceeding, that a need exists for said rule amendments.

b. **AUTHORITY.** The Governing Board finds that it has the legal authority for said rulemaking under CH&SC §40000 and 40001.

c. **CLARITY.** The Governing Board finds that said rule is written or displayed so that the meaning can be easily understood by those persons or industries directly affected by said rule.

d. **CONSISTENCY.** The Governing Board finds that said rule is in harmony with, and not in conflict with or contradictory to, existing statutes, court decisions, or state or federal regulations.

e. **NONDUPLICATION.** The Governing Board finds that said rule does not impose the same requirements as any existing state or federal regulation.

1 f. **REFERENCE.** The Governing Board finds that said rulemaking implements
2 federal CAA §172(c)(1) and CH&SC §40920.

3 4. The Governing Board hereby finds that the requirements of CH&SC §40728.5
4 and 40920.6 have been satisfied to the greatest extent possible, and that the Governing
5 Board has actively considered and made a good faith effort to minimize any adverse
6 socioeconomic impacts associated with the proposed rulemaking.

7 5. The Governing Board finds that, because this rulemaking will not cause either a
8 direct physical change in the environment or a reasonably foreseeable indirect physical
9 change in the environment, the proposed actions do not constitute a project under the
10 provisions of the California Environmental Quality Act (CEQA) Guidelines § 15378.
11 Furthermore, the proposed actions are exempt for actions taken by regulatory agencies,
12 as authorized by state or local ordinance, to assure the maintenance, restoration,
13 enhancement, or protection of the environment where the regulatory process involves
14 procedures for protection of the environment (CEQA Guidelines §15308) (Actions by
15 Regulatory Agencies for Protection of the Environment) and exempt from CEQA per the
16 general rule that CEQA applies only to projects which have the potential for causing a
17 significant effect on the environment (CEQA Guidelines §15061 (b)(3)). Therefore
18 pursuant to Section 15062 of the CEQA guidelines, Staff will file a Notice of Exemption
19 upon Governing Board approval of amendments to Rule 4692.

20 6. The Executive Director/Air Pollution Control Officer is directed to file a Notice of
21 Exemption with the County Clerks of each of the counties in the District.

22 7. The Executive Director/Air Pollution Control Officer is directed to file with all
23 appropriate agencies certified copies of this resolution and the rule adopted herein and
24 is directed to maintain a record of this rulemaking proceeding in accordance with
25 CH&SC §40728.

26 8. The Executive Director/Air Pollution Control Officer is directed to transmit said rule
27 to the California Air Resources Board for incorporation into the SIP.

9. The Governing Board authorizes the Executive Director/Air Pollution Control Officer to include in the submittal or subsequent documentation any technical corrections, clarifications, or additions that may be needed to secure EPA approval, provided such changes do not alter the substantive requirements of the approved rule.

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1 **THE FOREGOING** was passed and adopted by the following vote of the
2 Governing Board of the San Joaquin Valley Unified Air Pollution Control District this 21st
3 day of June 2018, to wit:

4 **AYES:**

8 **NOES:**

12 **ABSENT:**

15 SAN JOAQUIN VALLEY UNIFIED
16 AIR POLLUTION CONTROL DISTRICT

17 By _____
18 Buddy Mendes, Chair
19 Governing Board

20 **ATTEST:**
21 Deputy Clerk of the Governing Board

22 By _____
23 Michelle Franco

San Joaquin Valley Unified Air Pollution Control District
Meeting of the Governing Board
June 21, 2018

ADOPT PROPOSED AMENDMENTS TO DISTRICT RULE 4692
(COMMERCIAL CHARBROILING)

Attachment B:

Proposed Amendments to Rule 4692
(10 PAGES)

RULE 4692 COMMERCIAL CHARBROILING (Adopted March 21, 2002, Amended September 17, 2009, Amended [rule adoption date].)

1.0 Purpose

The purpose of this rule is to limit VOC and PM-10 emissions from commercial charbroiling. ~~This rule also specifies the administrative, recordkeeping requirements, and the test methods.~~

2.0 Applicability

This rule applies to ~~owners and operators of commercial cooking operations, preparing food for human consumption. The rule requirements apply to chain-driven charbroilers used to cook meat~~ at commercial cooking operations.

3.0 Definitions

3.1 Air Pollution Control Officer (APCO): as defined in Rule 1020 (Definitions)

3.23.1 Catalytic Oxidizer: a control device, which burns or oxidizes smoke and gases from the cooking process to carbon dioxide and water, using an infrastructure coated with a noble metal alloy.

3.33.2 Chain-driven Charbroiler: a semi-enclosed cooking device with a mechanical chain, which automatically moves food through the device.

3.43.3 Charbroiler: ~~a cooking device composed of the following three major components: a grated grill, a high-temperature radiant surface and a heat source. The heat source heats the high-temperature radiant surface, which provides the heat to cook the food resting on the grated grill. This includes, but is not limited to broilers, grill charbroilers, flamebroilers and direct-fired barbecues. A cooking device composed of a grated grill and a heat source, where food resting on the~~ grated grill cooks as the food receives direct heat from the heat source or a radiant surface.

3.53.4 Commercial Cooking Operations: any stationary facility that cooks food for human consumption and that engages in the retail sale, or offer for sale, of the cooked food. This includes, but is not limited to, restaurants, dinner houses, cafeterias, catering operations, and hotel or motel food service operations. ~~a food handling and preparation facility that primarily serves the general public. Institutional eating facilities, such as school cafeterias, and delicatessen departments of a grocery store and establishments that do no cooking are not considered commercial cooking operations.~~

3.63.5 Meat: for the purposes of this rule, includes beef, lamb, pork, poultry, fish, and seafood.

3.7 Outdoor Operations: commercial cooking operations with under-fired charbroilers that are operated outdoors and which are not connected to an exhaust hood or other form of ventilation system.

3.83.6 PM-10: as defined in Rule 1020 (Definitions). For purposes of determining control efficiency, all particulate collected using the test method specified in Section 6.5 shall be considered PM-10.

3.9 Underfired charbroiler: a charbroiler, other than a chain-driven charbroiler, where the heat source and radiant surface, if any, are positioned at or below the level of the grated grill.

3.103.7VOC: as defined in Rule 1020 (Definitions).

3.113.8Weekly: a consecutive seven-day period.

4.0 Exemptions

4.1 Limited Use Exemption

4.1.1 ~~Until January 1, 2011, a chain-driven charbroiler is exempt from the requirements of Section 5.0 provided it is not used to cook 875 pounds of meat or more in any calendar week.~~

4.1.2 ~~On and after January 1, 2011,~~ A chain-driven charbroiler ~~may be~~ is exempt from the requirements of Section 5.0, provided:

4.1.1.1 ~~4.1.2.1~~ It is not used to cook 400 pounds of meat or more in any calendar week, or

4.1.1.2 ~~4.1.2.2~~ It is not used to cook more than 10,800 pounds in the most recent rolling 12-month period, and the amount of meat cooked every calendar week is less than 875 pounds, and the facility has not previously been required to comply with Section 5.0.

4.1.1.3 ~~4.1.3~~ The claim of exemption is based on total quantity of meat cooked on each individual chain-driven charbroiler at the facility. To claim an exemption, operators must keep records in accordance with Section 6.1.

4.1.2 An underfired charbroiler shall not be subject to the requirements of Rule 4692, provided a one-time report, as specified in Section 5.2.1, is submitted to the District, and:

4.1.2.1 It is not used to cook 400 pounds of meat or more in any calendar week, or

4.1.2.2 It is not used to cook more than 10,800 pounds in any 12-month period and the amount of meat cooked every calendar week is less than 875 pounds.

4.2 Low-Emitting Units

~~4.2.1 Except for the applicable recordkeeping requirements of Section 6.1, the~~ The control requirements in Section 5.0 of this rule shall not apply to units that are shown, using the test method specified in Section 6.5, to emit less than one pound per day of any criteria air pollutant. Applicable recordkeeping requirements of Section 6.1 shall apply.

4.2.2 The test results shall be used to determine the maximum amount of meat which can be cooked and still be exempt from control requirements.

4.2.3 Operators claiming this exemption shall provide adequate demonstration of emissions using the test method in Section 6.5 and keep records in accordance with applicable provisions of Section 6.1.

4.3 Outdoor operations shall not be subject to the requirements of this rule.

5.0 Requirements

5.1 ~~Chain-Driven Charbroilers Until January 1, 2011, n No person shall operate a chain-driven charbroiler unless it meets the provisions of either Section 5.1.1 or Section 5.1.2.~~

~~5.1.1 The chain-driven charbroilers shall be equipped and operated with a catalytic oxidizer as a control device, and the combination charbroiler/catalyst shall be tested in accordance with the test method specified in Section 6.5.~~

~~5.1.2 The charbroiler/catalyst is a unit certified for use in the South Coast Air Quality Management District (SCAQMD).~~

~~5.2 On and after January 1, 2011,~~

5.1.1 No person shall operate a chain-driven charbroiler unless the chain-driven charbroiler is equipped and operated with a catalytic oxidizer. The catalytic oxidizer shall have a control efficiency of at least 83% for PM-10 emissions and a control efficiency of at least 86% for VOC emissions. Chain-driven charbroiler/catalytic oxidizers combinations certified by SCAQMD before January 1, 2011 shall be deemed compliant for the purposes of this section.

~~5.3~~ 5.1.2 Alternative control devices or methods may be used, if:

~~5.3.1~~ ~~Until January 1, 2011, the alternative control device or alternative control method is demonstrated to be as effective as the catalytic oxidizer in reducing both PM-10 and VOC emissions.~~

~~5.3.2~~ ~~On and after January 1, 2011, it is demonstrated that the alternative control device or alternative control method has a control efficiency of at least 83% for PM-10 emissions and a control efficiency of at least 86% for VOC emissions.~~

~~5.4~~ 5.1.3 Control Device Maintenance

Control devices, including catalytic oxidizers, shall be maintained in good working order to minimize visible emissions to the atmosphere and operated, cleaned, and maintained in accordance with the manufacturer's specifications in a maintenance manual or other written materials supplied by the manufacturer or distributor of the control device or charbroiler.

5.2 Underfired Charbroilers

5.2.1 No later than January 1, 2019, the owner or operator of an underfired charbroiling operation shall submit a one-time report that includes the following information:

5.2.1.1 Name and location of the commercial cooking operation;

5.2.1.2 Number and size, in cooking surface square feet, of all underfired charbroilers at the commercial cooking operation;

5.2.1.3 Type of fuel used to heat the underfired charbroiler(s);

- 5.2.1.4 Type and quantity, in pounds, of meat cooked on the underfired charbroiler(s) on a weekly basis for the previous 12-month period;
- 5.2.1.5 Daily operating hours of the commercial cooking operation;
- 5.2.1.6 Flowrate (cubic feet per minute) of hood or exhaust system(s) serving each underfired charbroiler; and
- 5.2.1.8 The manufacturer and model of any installed pollution control devices designed for the reduction of particulates, kitchen smoke and/or odor.

5.2.2 Underfired Charbroiler Registration Requirements

The owner of an underfired charbroiler subject to this rule shall register such underfired charbroiler pursuant to Rule 2250 (Permit-Exempt Equipment Registration), in lieu of permitting under the requirements of Rule 2010 (Permits Required).

6.0 Administrative Requirements

6.1 Records for Exempt Units

- 6.1.1 A chain-driven charbroiler owner or operator, claiming an exemption under Section 4.1, shall keep weekly records the total quantity, in pounds, of meat cooked on each chain-driven charbroiler on the premises.
- 6.1.2 A chain-driven charbroiler owner or operator claiming an exemption under Section 4.2 shall keep the following records:
 - 6.1.2.1 The test results used to determine the maximum amount of meat which can be cooked on each charbroiler and still be exempt from control requirements; and
 - 6.1.2.2 On a weekly basis, the total quantity, in pounds, of meat cooked on each charbroiler on the premises.
- 6.1.3 The applicable records required in Section 6.1.1 and Section 6.1.2 shall be retained on the premises for a period of not less than five years and made available to the District ~~representative~~ upon request.

6.2 Records for Chain-Driven Charbroilers Subject to Control Requirements

6.2.1 The owner or operator of a chain-driven charbroiler subject to the control requirements of Section 5.0 shall keep weekly records of the total quantity, in pounds, of meat cooked on each chain-driven charbroiler on the premises.

6.2.2 The records required in Section 6.2.1 shall be retained on the premises for a period of not less than five years and made available to the District ~~representative~~ upon request.

6.3 Records for Underfired Charbroilers Subject to Rule 4692 Requirements

6.3.1 The owner or operator shall keep weekly records of the total quantity, in pounds, for each type of meat cooked on each charbroiler on the premises.

6.3.2 The records required in Section 6.3.1 shall be retained on the premises for a period of not less than five years and made available to the District upon request.

6.46.3 Alternative Recordkeeping

Owners and operators may request an alternative record keeping method, provided the APCO and EPA have determined, in writing, that the alternative recordkeeping method provides equivalent compliance assurance as the records specified in applicable provisions of Sections 6.1 or 6.2.

6.56.4 Certification of Control Devices for Chain-Driven Charbroilers

6.5.16.4.1 A chain-driven charbroiler/catalytic oxidizer combination certified by SCAQMD shall be deemed certified for the purpose of this section.

6.5.26.4.2 For District certification, the operator shall submit sufficient information to assure that the chain-driven charbroiler and control device combination is adequately designed to meet the minimum emission control efficiency of Section 6.76.6.

6.5.36.4.3 In order for a control device manufacturer to obtain District certification, the manufacturer shall:

6.5.3.16.4.3.1 Obtain confirmation from an independent testing laboratory that the chain-driven charbroiler and control device combination has been tested in accordance with the applicable procedure in Section 6.66.5; and

~~6.5.3.26.4.3.2~~ Demonstrate that the emission control efficiency of the chain-driven charbroiler and control device combination meets the applicable emission control efficiency of Section ~~6.76-6~~; and

~~6.5.3.36.4.3.3~~ Obtain a written certification, for the chain-driven charbroiler and control device combination from the APCO, in accordance with Section ~~6.86-7~~.

~~6.66-5~~ Test Methods

~~6.6.16-5.1~~ Determination of Emissions from Chain-Driven Charbroilers with Catalytic Oxidizers (SCAQMD Method)

The South Coast Air Quality Management District's Protocol – "Determination of Particulate and Volatile Organic Compound Emissions from Restaurant Operations," shall be used to determine the control efficiency of the control device.

~~6.6.26-5.2~~ Criteria Pollutant

ARB Test Method 100 shall be used to determine criteria pollutant emissions.

~~6.6.36-5.3~~ Alternative Test Methods

An owner or operator may use an alternative test method for which written approval of the EPA and the APCO has been obtained.

~~6.6.46-5.4~~ Calculation for Control Efficiency

The control system efficiency shall be calculated using the following equation:

$$\% \text{ Control Efficiency} = [(W_{\text{PM-10, inlet}} - W_{\text{PM-10, outlet}}) / W_{\text{PM-10, inlet}}] \times 100$$

Where:

$W_{\text{PM-10, inlet}}$ = weight of PM-10 at the inlet side of the emission control system, in mg

$W_{\text{PM-10, outlet}}$ = weight of PM-10 at the outlet side of the emission control system, in mg

6.76.6 Chain-Driven Charbroiler Control Technology Emission Control Efficiency Limits for Certification

When tested in accordance with Section 6.66.5, a control device shall have a control efficiency of at least 83 % with respect to PM-10 emissions; and at least 86 % with respect to VOC emissions.

6.86.7 Certification Procedure

6.8.16.7.1 Each manufacturer who requests certification of their compliant control equipment, shall submit an application to the APCO. The application shall:

6.8.1.16.7.1.1 Provide the following general information:

6.8.1.1.16.7.1.1.1 Name and address of manufacturer;

6.8.1.1.26.7.1.1.2 Brand name, trade name, model number;

6.8.1.1.36.7.1.1.3 Any accoutrements installed to enhance or support the operation of the control equipment; and

6.8.1.1.46.7.1.1.4 Operation conditions, including the maximum air flow rate;

6.8.1.26.7.1.2 Provide a description of the model being certified;

6.8.1.36.7.1.3 Include a complete certification source test report demonstrating that the control equipment was tested in accordance with procedure in Section 6.66.5;

6.8.1.46.7.1.4 Include a written statement that the model complies with the emission rate limit and citing the applicable emission rate limit; and

6.8.1.56.7.1.5 Be submitted to the District no more than 90 days after the date of the emissions compliance test conducted in accordance with Section 6.66.5.

6.8.26.7.2 The manufacturer may submit, to the APCO, an approved SCAQMD certification in lieu of conducting duplicative certification tests.

6.8.36.7.1.3 The APCO will approve or deny the request for certification after completing review of the application for certification and source test report.

~~7.0 — Compliance Schedule~~

~~7.1 — A chain driven charbroiler that is exempt from the control requirements of Rule 4692 on or before September 17, 2009 and becomes subject to the control requirements of Section 5.0, the charbroiler shall be in full compliance with the applicable rule requirements on and after January 1, 2011.~~

~~7.2 — Loss of Exemption~~

~~Except as noted in Section 7.1, an owner or operator of a charbroiler that loses its exempt status shall comply with the applicable requirements of Sections 5.0 and 6.0 of this rule when the charbroiler is returned to operation after the loss of exemption.~~

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San Joaquin Valley Unified Air Pollution Control District
Meeting of the Governing Board
June 21, 2018

ADOPT PROPOSED AMENDMENTS TO DISTRICT RULE 4692
(COMMERCIAL CHARBROILING)

Attachment C:

Final Draft Staff Report with Appendix for
Proposed Amendments to Rule 4692
(14 PAGES)

SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT

FINAL DRAFT STAFF REPORT

June 21, 2018

Amendments to Rule 4692 (Commercial Charbroiling)

Prepared by: Jessica Coria, Air Quality Specialist

Reviewed by: Anna Myers, Senior Air Quality Specialist
Errol Villegas, Permit Services Manager
Chay Thao, Program Manager, Planning Department
Sheraz Gill, Director of Strategies and Incentives

I. SUMMARY

The San Joaquin Valley Air Basin (Valley) has been designated by the United States Environmental Protection Agency (EPA) as a non-attainment area for particulate matter with diameter of 2.5 micrometers or less (PM_{2.5}). Extensive scientific modeling and air quality analysis indicates that the Valley cannot attain the federal PM_{2.5} air quality attainment standards without significant reductions in emissions from underfired charbroilers. The San Joaquin Valley Air Pollution Control District (District) is currently developing a new measure for the upcoming PM_{2.5} air quality attainment plan to reduce emissions from underfired charbroiling in the Valley that will include financial incentives to help fund accelerated deployment of charbroiler emission control technologies in the Valley and a regulatory backstop to encourage participation. As a first step, to enable the District to implement this measure in a cost-effective and expeditious manner, similar to other businesses subject to the District's regulatory measures, the District must initiate registration of affected operations. The amendments to District Rule 4692 will require the submission of a one-time informational report from owners and operators of commercial cooking operations with underfired charbroilers, as well as registration of underfired charbroilers subject to Rule 4692, pursuant to District Rule 2250 (Permit-Exempt Equipment Registration).

II. BACKGROUND

Current Rule 4692 (Commercial Charbroiling)

Rule 4692 currently applies to owners and operators of commercial cooking operations (restaurants) using chain-driven charbroilers to cook beef, lamb, pork, poultry, fish, and seafood. The rule applies to operators who cook more than 400 pounds of meat per week on a chain-driven charbroiler and emit more than one pound per day of any criteria pollutant. The current rule limits emission of volatile organic compounds (VOCs)

and particulate matter with aerodynamic diameter of 10 micrometers or less (PM₁₀). The rule requires that chain-driven charbroilers be equipped and operated with a certified catalytic oxidizer control device and maintained in good working order to minimize visible emissions to the atmosphere. For rule language, please refer to the District's website at <http://www.valleyair.org/rules/1ruleslist.htm>.

Affected Source Category

There are two types of commercial charbroilers: chain-driven and under-fired. Chain-driven charbroilers, already subject to permitting requirements under Rule 4692, are semi-enclosed broilers designed to move food mechanically on a grated grill through the device as the food cooks. Food cooks quickly, because chain-driven charbroilers have burners located both above and below the grill. Chain-driven charbroilers are most common in fast food restaurants.

While chain-driven charbroilers use a conveyor system to ensure that meat is cooked for a specific amount of time, underfired charbroilers employ a metal "grid", a heavy-duty grill similar to that of a home barbecue. The grid commonly reaches temperatures of over 600°F and conducts a significant amount of heat to the food. Below the grid, gas broilers have a set of burners spaced every four to twelve inches along the width of the broiler. The flames are diffused by a bed of rock, ceramic briquettes, wood, or a metal shield ("radiant") just above the burners. This material between the flame and the food converts some of the flame's energy to radiant heat. Electric underfired charbroilers may have heating elements interwoven with the bars of the grid, or the elements may be sheathed inside the grid itself, in which case, heat transfer is almost entirely by conduction. As food cooks on an underfired broiler, fat drippings burn on the hot elements, coals, or radiants to create the charbroiler's characteristic flame and smoke. Drippings that are not incinerated are collected in a grease tray.

The smoke and vapors generated by cooking meat on either type of charbroiler contain water, VOCs, and PM. Larger particles and grease are typically captured by the grease filter of the ventilation hood over the charbroiler. The remaining VOCs and smaller PM (typically PM₁₀ and smaller) are exhausted to the atmosphere, unless a secondary control is installed.

Reasons for Rule Development and Implementation

Since 2002, the District has required the installation and operation of particulate matter control devices on chain-driven commercial charbroilers through District Rule 4692 (Commercial Charbroilers). The unavailability of a technologically feasible and cost-effective control technology has been the barrier to the District's attempt to enact similar requirements for underfired charbroiling operations. Other air districts in California have encountered similar difficulties in identifying and requiring compliant control technologies for underfired charbroilers.

SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT

Final Draft Staff Report: Rule 4692 (Commercial Charbroiling)

June 21, 2018

In 2009, the District conducted research and outreach to Valley restaurants to determine whether Rule 4692 applicability could be expanded to include underfired charbroilers and determined that there was a lack of credible and verifiable information necessary to evaluate the costs and reliability of “in-the-field” application of these technologies. Technological feasibility issues and logistical issues requiring further evaluation included the need for extensive hood, exhaust system, and roof modifications as well as the costs associated with installation, maintenance, and labor. To help evaluate these issues, in 2009, the District’s Governing Board directed staff to initiate the Charbroiler Incentive Program (ChIP) and authorized \$500,000 in funding for the program. This program was open and advertised for 18 months, however, the program did not receive any applications. With the importance of achieving direct PM_{2.5} emissions reductions from underfired charbroilers to address ever-tightening federal standards, in 2015 the District’s Board approved changes to the incentive program aimed at removing what were viewed as impediments by restaurant owners. Under the new program, the District formed the Restaurant Charbroiler Technology Partnership (RCTP) and took a more active role in identifying and screening potential technology vendors and reaching out to restaurant owners. The new program committed to provide the full cost of deploying these systems including installation and maintenance and increased funding of up to \$750,000.

Despite the District’s efforts in promoting available funding under the RCTP program, the District has faced difficulty in finding restaurants willing to partner with the District to demonstrate new technologies. To date, only one restaurant, the Habit Burger Grill, has successfully completed two years of demonstration of a Molitron wet scrubber in their Stockton restaurant. Initially, the project experienced hood fan sizing issues, resulting in the restaurant filling with smoke and being forced to close temporarily. This issue has been addressed and the restaurant has now been successfully operating for about one year with this control device. The Habit Burger Grill has now installed these control devices on seven other new restaurants, with five of these installations in the Valley. The District also recently entered into contract with a new restaurant, Baja Fresh, in Bakersfield with installation anticipated in the near future.

Since 2009, the District has also partnered with the South Coast Air Quality Management District (South Coast), Bay Area Air Quality Management District (Bay Area), and EPA to further the research and evaluation of emission control technologies for underfired charbroilers. Through this effort, underfired charbroiler technology assessments have been conducted at UC-Riverside College of Engineering’s Center for Environmental Research & Technology (CE-CERT). The District provided in-kind technical support and the research was funded with over \$500,000 in contributions provided by South Coast, Bay Area, and EPA. This effort led to the establishment of published testing methodology, South Coast Method 5.1, which has been used as a benchmark methodology to standardize the testing of control efficiencies of kitchen exhaust pollution control units.

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In addition to supporting and evaluating Valley-based underfired charbroiler technology demonstrations, District staff conducted an extensive review and assessment of underfired charbroiler control technology installations in other regions. This review included reaching out to other regulatory agencies, technology manufacturers, the California Restaurant Association, and restaurants both inside and outside of the Valley to better understand the control technologies available for underfired charbroilers, and real-world costs and experiences related to these technologies.

District staff also conducted a thorough search and review of regulations adopted by other agencies for underfired charbroiling emissions and contacted these agencies to better understand the requirements and how they have been implemented. Regulations reviewed included Bay Area Regulation 6 Rule 2 (Commercial Cooking Equipment) and South Coast Rule 1138 (Control of Emissions from Restaurant Operations) as well as rules and regulations in other air districts inside and outside of California.

Modeling conducted by ARB and the District for the District's latest PM_{2.5} attainment strategy shows that reducing emissions from underfired charbroiling is critical in helping bring the Valley into attainment. Based on analysis of the modeling conducted, the benefits that the Valley would realize through reasonable control of charbroilers at a total Valley-wide cost of less than \$35 million are equal to the benefits of imposing NO_x control measures at a cost of \$14 billion on other Valley businesses.

The District is currently developing a new measure to reduce emissions from underfired charbroiling in the Valley that will include financial incentives to help fund accelerated deployment of charbroiler emission control technologies in the Valley and a regulatory backstop to encourage participation. As a first step, to enable the District to implement this measure in a cost-effective and expeditious manner, similar to other businesses subject to the District's regulatory measures, the District must initiate permitting of affected operations. The proposed amendments to Rule 4692 will provide the administrative process necessary, through registration in lieu of permitting, for securing the needed reductions in emissions in an effective and efficient manner.

The proposed amendment will require the submission of a one-time informational report from owners and operators of commercial underfired charbroiling operations, and require the registration of underfired charbroilers subject to Rule 4692, pursuant to District Rule 2250 (Permit-Exempt Equipment Registration). The information submitted to the District will assist in better understanding the inventory from this source category, which will be necessary for evaluating the potential control of underfired charbroiler operations.

Rule Development Process

The District hosted a public workshop to present draft amendments and receive public comments on April 26, 2018, followed by a public comment period ending at 5:00 PM on May 10, 2018. Furthermore, in accordance with CH&SC Section (§) 40725, the

proposed amendments to Rule 4692 and the final draft staff report were publicly noticed prior to the Governing Board public hearing to consider adoption of the proposed amendments and made available on May 22, 2018. A summary of significant comments and District responses is available in Appendix A of this staff report.

III. PROPOSED AMENDMENTS TO RULE 4692

The following outlines the specifics of the proposed amendments.

Section 2.0 Applicability

The applicability section has been updated to include commercial underfired charbroilers.

Section 3.0 Definitions

A definition for Air Pollution Control Officer (APCO), a definition for an underfired charbroiler, and a definition for outdoor operations have been added to Section 3.0. The definition of commercial cooking operations has been updated to clarify what operations will be affected by the rule.

Section 4.0 Exemptions

Draft amendments add an exemption from registration requirements for underfired charbroiling operations that cook less than a certain amount of meat upon submission of a one-time report quantifying cooking throughputs. Outdoor operations have been exempted from the rule.

Section 5.0 Requirements

Section 5.0 has been amended to remove outdated compliance deadlines in Section 5.1 and 5.2 to improve rule clarity.

Section 5.1 has been amended to consolidate the requirements for Chain-Driven Charbroilers.

Section 5.2.1 has been amended to require a one-time report from owners or operators of Valley restaurants with underfired charbroilers, in order to assist with enhancing the emission inventory data for underfired charbroiler operations and associated throughputs and emissions. The following information will be required in the one-time report (outlined in Section 5.2 of the rule):

- Name and location of the commercial cooking operation;
- Number and size, in cooking surface square feet, of all underfired charbroilers at the commercial cooking operation;

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- Type of fuel used to heat the underfired charbroiler(s);
- Type and quantity, in pounds, of meat cooked on the underfired charbroiler(s) on a weekly basis for the previous 12-month period;
- Daily operating hours of the commercial cooking operation;
- Flowrate (cubic feet per minute) of hood or exhaust system(s) serving each underfired charbroiler; and
- The manufacturer and model of any installed pollution control devices designed for the reduction of particulates, kitchen smoke and/or odor.

Section 5.2.2 has been amended to require the registration of underfired charbroilers subject to Rule 4692, pursuant to Rule 2250 (Permit-Exempt Equipment Registration).

Pursuant to District Rule 2020, Section 9.0, units losing permit exemption will have 6 months to apply for registration.

Section 6.0 Administrative Requirements

Record-keeping requirements are grouped by the type of charbroiler for clarity. Section 6.2 has been renamed “Records for Chain-Driven Charbroilers” to clarify that the section’s requirements are different from the requirements for Underfired Charbroilers.

Section 6.3 is added, “Records for Underfired Charbroilers.” This section requires that owners or operators of an underfired charbroiler subject to the rule keep weekly records of the total quantity of each type of meat cooked on each charbroiler at the facility. These records are required to be retained at the facility for a minimum period of five years.

Section 6.7 has been renamed “Chain-Driven Charbroiler Control Technology Emission Control Efficiency Limits for Certification” to clarify that the Certification requirements are only for chain-driven charbroiler control technology.

Section 7.0 Compliance Schedule

This section was deleted from the rule, since there are no new control installations required in this rule amendment.

IV. ANALYSES

A. Emissions Reduction Analysis

The 2018 amendments of Rule 4692 will require recordkeeping and the submittal of a one-time report from underfired charbroiler operations, but will not require the installation of any control technology or the modification of affected commercial

cooking operations. As such, the draft amendments will not cause any measurable overall change in future year emissions reductions.

B. Cost effectiveness and Socioeconomic analysis

Pursuant to the California Health and Safety Code, the District is required to analyze the cost effectiveness of any proposed rule amendment that implements Best Available Retrofit Control Technology (BARCT). The rule amendments do not add BARCT requirements and therefore are not subject to the cost effectiveness analysis mandate.

Additionally, the California Health and Safety Code requires the District to analyze the socioeconomic impacts of any proposed rule amendment that significantly affects air quality or emission limitations. The rule amendments have neither effect, and are therefore not subject to the socioeconomic analysis mandate.

C. Rule Consistency Analysis

Pursuant to Section 40727.2 of the California Health and Safety Code, prior to adopting, amending, or repealing a rule or regulation, the District is required to perform a written analysis that identifies and compares the air pollution control elements of the rule or regulation with corresponding elements of existing or proposed District and EPA rules, regulations, and guidelines that apply to the same source category. The rule elements analyzed are emission limits or control efficiency, operating parameters and work practices, monitoring and testing, and recordkeeping and reporting requirements.

1. District Rules

Charbroilers could be subject to other District rules including:

- Rule 2010 (Permits Required),
- Rule 2201 (New and Modified Stationary Source Review Rule),
- Rule 4101 (Visible Emissions),
- Rule 4102 (Nuisance),
- Rule 4201 (Particulate Matter Concentration),
- Rule 4202 (Particulate Matter Emission Rate), and
- Rule 4301 (Fuel Burning Equipment).

The above-listed rules are not in conflict nor are they inconsistent with the requirements of draft Rule 4692.

2. Federal Rules, Regulations, and Guidelines

Federal Control Techniques Guideline (CTG)

Beginning in 1975, EPA staff has issued more than 45 CTGs covering a variety of VOC sources. None of the CTGs cover charbroilers.

Federal New Source Performance Standards (NSPS)

The federal NSPS regulations are found in the Code of Federal Regulations Title 40 Part 60 (40 CFR 60). None of the NSPSs apply to charbroilers.

National Emission Standards for Hazardous Air Pollutants (NESHAPs) and Maximum Achievable Performance Standards (MACTs)

There are no NESHAPs (40 CFR 61) or MACT standards (40 CFR 63) that apply to charbroilers.

Federal Lowest Achievable Emission Rate (LAER) and Federal Best Available Control Technology (BACT)

EPA staff maintains a database of reasonably available control technology (RACT), BACT, and LAER technologies that have been provided to EPA by state and local permitting agencies. A review of the RACT/BACT/LAER Clearinghouse (RBLC) determined that there are no charbroilers in the database, therefore, there is no standard to apply to this source category.

EPA Policies and Guidelines

District staff reviewed policies and guidelines with respect to monitoring, testing, recordkeeping, and reporting for charbroilers.

- **Monitoring and Testing Requirements.** There are no EPA monitoring or testing policies or guidelines that apply to this source category.
- **Recordkeeping and Reporting.** Title V (federal) permits and MACT standards require five-year record maintenance. The proposed recordkeeping for District Rule 4692 requires that operators maintain records for at least five years. Revised Proposed Rule 4692 therefore is consistent with EPA recordkeeping policy.

3. Rule Consistency Analysis Conclusion

Based on the above analysis, District staff concludes that draft Rule 4692 is consistent with other District rules and is not in conflict with said rules. Further,

the proposed rule is consistent with EPA rules, regulations, and guidelines that apply to the same source category.

D. Environmental Assessment

The amendments proposed to District Rule 4692 add registration and recordkeeping requirements to applicable underfired charbroilers at commercial cooking operations. There are no other actions or rule requirements associated with this project. Based on the District's investigation, substantial evidence supports the District's conclusion that the amendments will not cause either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment, and as such is not a "project" as that term is defined under the California Environmental Quality Act (CEQA) Guidelines § 15378. In addition, substantial evidence supports the District's conclusion that assuming the amendment is a "project" under CEQA, it will not have any significant adverse effects on the environment.

The amendments to District Rule 4692 is an action taken by a regulatory agency, the San Joaquin Valley Air District, as authorized by state law to assure the maintenance, restoration, enhancement, or protection of air quality in the San Joaquin Valley where the regulatory process involves procedures for protection of air quality.

California Environmental Quality Act (CEQA) Guidelines §15308 (Actions by Regulatory Agencies for Protection of the Environment), provides a categorical exemption for "actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment. Construction activities and relaxation of standards allowing environmental degradation are not included in this exemption." No construction activities or relaxation of standards are included in this project. Therefore, the rule amendment project is exempt from CEQA.

In addition, according to Section 15061 (b)(3) of the CEQA Guidelines, a project is exempt from CEQA if, "(t)he activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA." As such, for this additional reason, the District finds that the rule amendment project is exempt from CEQA.

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APPENDIX A

**Summary of Significant Comments and Responses
For Amendments to Rule 4692**

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**SUMMARY OF SIGNIFICANT COMMENTS
DRAFT AMENDMENTS TO RULE 4692
(COMMERCIAL CHARBROILING)**

The San Joaquin Valley Unified Air Pollution Control District (District) held a public workshop to present, discuss, and receive comments on the draft amendments to Rule 4692 on April 26, 2018. Summaries of significant comments received during the public workshop and associated comment period are summarized below.

Comments were received from the following:

Maria Garcia, Los Amigos & Mezcal Lounge (Garcia)
Terry Norman, Grate Converter Technologies (Norman)
Jeff Salters, Salty's BBQ (Salters)

1. **COMMENT:** What percent of emissions is the District trying to control from this source category? (Norman)

RESPONSE: This rule amendment does not require the installation of control technology on underfired charbroilers and has no effect on emissions. This amendment will expand the applicability of Rule 4692 to include underfired charbroilers, require the submission of a one-time informational report from owners and operators of commercial cooking operations with underfired charbroilers, and to require the registration of eligible underfired charbroiler operations. This information will be used to help evaluate the feasibility of control technology requirements for this source category in the future.

2. **COMMENT:** What is the permit fee that you are planning on establishing? (Salters)

RESPONSE: The District will not be requiring permits at this time. Instead, the District will require a simplified registration of underfired charbroilers subject to the rule, under the provisions of existing District Rule 2250 (Permit-Exempt Equipment Registration). Fees for registration are limited to a one-time application filing fee of \$99 and an annual \$66 registration renewal fee.

3. **COMMENT:** A rulemaking process to require control units on underfired charbroilers was undertaken by the District previously, but it was determined that controls were infeasible for installation in the Valley. What has changed since then? (Salters)

RESPONSE: In 2009, the District conducted public outreach regarding requiring pollution controls on underfired charbroiler operations. Based on input from stakeholders and industry representatives, it was determined that control technology was not feasible as a regulatory requirement at that time.

Technological advances in kitchen emissions control and increased installations of control technology in other regions since 2009 has helped to increase the availability of control technology in the region, but questions remain about the cost-effectiveness and feasibility of controls. This rule amendment does not require controls, but rather requires the submission of a one-time informational report from Valley restaurants with underfired charbroilers to facilitate District staff's evaluation of the economic and technological feasibility of potential future control requirements.

- 4. COMMENT:** What incentives are available for the installation of control units, and how long will this incentive be available? (Garcia)

RESPONSE: Incentives are currently available for owners and operators of Valley restaurants to demonstrate control technology through the District's Restaurant Charbroiler Technology Partnership (RCTP) program. This program will fund the full installation of eligible control technology and maintenance of the controls for two years. Please see <http://valleyair.org/grants/rctp.htm> for more information, or contact District staff at: (559) 230-5800.

In addition, the District is committed to ensuring that any potential future regulatory requirement for the installation of control technology for underfired charbroilers is supplemented with incentive funding. Additional incentive programs for the installation of pollution control technology for commercial cooking operations with underfired charbroilers are currently being developed.

RULE 4692 COMMERCIAL CHARBROILING (Adopted March 21, 2002, Amended September 17, 2009, Amended [rule adoption date].)

1.0 Purpose

The purpose of this rule is to limit VOC and PM-10 emissions from commercial charbroiling. ~~This rule also specifies the administrative, recordkeeping requirements, and the test methods.~~

2.0 Applicability

This rule applies to ~~owners and operators of commercial cooking operations, preparing food for human consumption. The rule requirements apply to chain-driven charbroilers used to cook meat~~ at commercial cooking operations.

3.0 Definitions

3.1 Air Pollution Control Officer (APCO): as defined in Rule 1020 (Definitions)

~~3.23.1~~ Catalytic Oxidizer: a control device, which burns or oxidizes smoke and gases from the cooking process to carbon dioxide and water, using an infrastructure coated with a noble metal alloy.

~~3.33.2~~ Chain-driven Charbroiler: a semi-enclosed cooking device with a mechanical chain, which automatically moves food through the device.

~~3.43.3~~ Charbroiler: ~~a cooking device composed of the following three major components: a grated grill, a high temperature radiant surface and a heat source. The heat source heats the high temperature radiant surface, which provides the heat to cook the food resting on the grated grill. This includes, but is not limited to broilers, grill charbroilers, flamebroilers and direct fired barbecues. A cooking device composed of a grated grill and a heat source, where food resting on the grated grill cooks as the food receives direct heat from the heat source or a radiant surface.~~

~~3.53.4~~ Commercial Cooking Operations: any stationary facility that cooks food for human consumption and that engages in the retail sale, or offer for sale, of the cooked food. This includes, but is not limited to, restaurants, dinner houses, cafeterias, catering operations, and hotel or motel food service operations. ~~a food handling and preparation facility that primarily serves the general public. Institutional eating facilities, such as school cafeterias, and delicatessen departments of a grocery store and establishments that do no cooking are not considered commercial cooking operations.~~

3.63.5 Meat: for the purposes of this rule, includes beef, lamb, pork, poultry, fish, and seafood.

3.7 Outdoor Operations: commercial cooking operations with under-fired charbroilers that are operated outdoors and which are not connected to an exhaust hood or other form of ventilation system.

3.83.6 PM-10: as defined in Rule 1020 (Definitions). For purposes of determining control efficiency, all particulate collected using the test method specified in Section 6.5 shall be considered PM-10.

3.9 Underfired charbroiler: a charbroiler, other than a chain-driven charbroiler, where the heat source and radiant surface, if any, are positioned at or below the level of the grated grill.

3.103.7VOC: as defined in Rule 1020 (Definitions).

3.113.8Weekly: a consecutive seven-day period.

4.0 Exemptions

4.1 Limited Use Exemption

4.1.1 ~~Until January 1, 2011, a chain-driven charbroiler is exempt from the requirements of Section 5.0 provided it is not used to cook 875 pounds of meat or more in any calendar week.~~

4.1.2 ~~On and after January 1, 2011,~~ A chain-driven charbroiler ~~may be~~ is exempt from the requirements of Section 5.0, provided:

4.1.1.1 ~~4.1.2.1~~ It is not used to cook 400 pounds of meat or more in any calendar week, or

4.1.1.2 ~~4.1.2.2~~ It is not used to cook more than 10,800 pounds in the most recent rolling 12-month period, and the amount of meat cooked every calendar week is less than 875 pounds, and the facility has not previously been required to comply with Section 5.0.

4.1.1.3 ~~4.1.3~~ The claim of exemption is based on total quantity of meat cooked on each individual chain-driven charbroiler at the facility. To claim an exemption, operators must keep records in accordance with Section 6.1.

4.1.2 An underfired charbroiler shall not be subject to the requirements of Rule 4692, provided a one-time report, as specified in Section 5.2.1, is submitted to the District, and:

4.1.2.1 It is not used to cook 400 pounds of meat or more in any calendar week, or

4.1.2.2 It is not used to cook more than 10,800 pounds in any 12-month period and the amount of meat cooked every calendar week is less than 875 pounds.

4.2 Low-Emitting Units

~~4.2.1 Except for the applicable recordkeeping requirements of Section 6.1, t~~ The control requirements in Section 5.0 of this rule shall not apply to units that are shown, using the test method specified in Section 6.5, to emit less than one pound per day of any criteria air pollutant. Applicable recordkeeping requirements of Section 6.1 shall apply.

4.2.2 The test results shall be used to determine the maximum amount of meat which can be cooked and still be exempt from control requirements.

4.2.3 Operators claiming this exemption shall provide adequate demonstration of emissions using the test method in Section 6.5 and keep records in accordance with applicable provisions of Section 6.1.

4.3 Outdoor operations shall not be subject to the requirements of this rule.

5.0 Requirements

5.1 Chain-Driven Charbroilers ~~Until January 1, 2011, n No person shall operate a chain-driven charbroiler unless it meets the provisions of either Section 5.1.1 or Section 5.1.2.~~

~~5.1.1 The chain-driven charbroilers shall be equipped and operated with a catalytic oxidizer as a control device, and the combination charbroiler/catalyst shall be tested in accordance with the test method specified in Section 6.5.~~

~~5.1.2 The charbroiler/catalyst is a unit certified for use in the South Coast Air Quality Management District (SCAQMD).~~

~~5.2 On and after January 1, 2011,~~

5.1.1 No person shall operate a chain-driven charbroiler unless the chain-driven charbroiler is equipped and operated with a catalytic oxidizer. The catalytic oxidizer shall have a control efficiency of at least 83% for PM-10 emissions and a control efficiency of at least 86% for VOC emissions. Chain-driven charbroiler/catalytic oxidizers combinations certified by SCAQMD before January 1, 2011 shall be deemed compliant for the purposes of this section.

~~5.3~~ 5.1.2 Alternative control devices or methods may be used, if:

~~5.3.1~~ ~~Until January 1, 2011, the alternative control device or alternative control method is demonstrated to be as effective as the catalytic oxidizer in reducing both PM-10 and VOC emissions.~~

~~5.3.2~~ ~~On and after January 1, 2011, it is demonstrated that the alternative control device or alternative control method has a control efficiency of at least 83% for PM-10 emissions and a control efficiency of at least 86% for VOC emissions.~~

~~5.4~~ 5.1.3 Control Device Maintenance

Control devices, including catalytic oxidizers, shall be maintained in good working order to minimize visible emissions to the atmosphere and operated, cleaned, and maintained in accordance with the manufacturer's specifications in a maintenance manual or other written materials supplied by the manufacturer or distributor of the control device or charbroiler.

5.2 Underfired Charbroilers

5.2.1 No later than January 1, 2019, the owner or operator of an underfired charbroiling operation shall submit a one-time report that includes the following information:

5.2.1.1 Name and location of the commercial cooking operation;

5.2.1.2 Number and size, in cooking surface square feet, of all underfired charbroilers at the commercial cooking operation;

5.2.1.3 Type of fuel used to heat the underfired charbroiler(s);

- 5.2.1.4 Type and quantity, in pounds, of meat cooked on the underfired charbroiler(s) on a weekly basis for the previous 12-month period;
- 5.2.1.5 Daily operating hours of the commercial cooking operation;
- 5.2.1.6 Flowrate (cubic feet per minute) of hood or exhaust system(s) serving each underfired charbroiler; and
- 5.2.1.8 The manufacturer and model of any installed pollution control devices designed for the reduction of particulates, kitchen smoke and/or odor.

5.2.2 Underfired Charbroiler Registration Requirements

The owner of an underfired charbroiler subject to this rule shall register such underfired charbroiler pursuant to Rule 2250 (Permit-Exempt Equipment Registration), in lieu of permitting under the requirements of Rule 2010 (Permits Required).

6.0 Administrative Requirements

6.1 Records for Exempt Units

- 6.1.1 A chain-driven charbroiler owner or operator, claiming an exemption under Section 4.1, shall keep weekly records the total quantity, in pounds, of meat cooked on each chain-driven charbroiler on the premises.
- 6.1.2 A chain-driven charbroiler owner or operator claiming an exemption under Section 4.2 shall keep the following records:
 - 6.1.2.1 The test results used to determine the maximum amount of meat which can be cooked on each charbroiler and still be exempt from control requirements; and
 - 6.1.2.2 On a weekly basis, the total quantity, in pounds, of meat cooked on each charbroiler on the premises.
- 6.1.3 The applicable records required in Section 6.1.1 and Section 6.1.2 shall be retained on the premises for a period of not less than five years and made available to thea District ~~representative~~ upon request.

6.2 Records for Chain-Driven Charbroilers Subject to Control Requirements

6.2.1 The owner or operator of a chain-driven charbroiler subject to the control requirements of Section 5.0 shall keep weekly records of the total quantity, in pounds, of meat cooked on each chain-driven charbroiler on the premises.

6.2.2 The records required in Section 6.2.1 shall be retained on the premises for a period of not less than five years and made available to thea District ~~representative~~ upon request.

6.3 Records for Underfired Charbroilers Subject to Rule 4692 Requirements

6.3.1 The owner or operator shall keep weekly records of the total quantity, in pounds, for each type of meat cooked on each charbroiler on the premises.

6.3.2 The records required in Section 6.3.1 shall be retained on the premises for a period of not less than five years and made available to the District upon request.

6.46.3 Alternative Recordkeeping

Owners and operators may request an alternative record keeping method, provided the APCO and EPA have determined, in writing, that the alternative recordkeeping method provides equivalent compliance assurance as the records specified in applicable provisions of Sections 6.1 or 6.2.

6.56.4 Certification of Control Devices for Chain-Driven Charbroilers

6.5.16.4.1 A chain-driven charbroiler/catalytic oxidizer combination certified by SCAQMD shall be deemed certified for the purpose of this section.

6.5.26.4.2 For District certification, the operator shall submit sufficient information to assure that the chain-driven charbroiler and control device combination is adequately designed to meet the minimum emission control efficiency of Section 6.76.6.

6.5.36.4.3 In order for a control device manufacturer to obtain District certification, the manufacturer shall:

6.5.3.16.4.3.1 Obtain confirmation from an independent testing laboratory that the chain-driven charbroiler and control device combination has been tested in accordance with the applicable procedure in Section 6.66.5; and

~~6.5.3.26.4.3.2~~ Demonstrate that the emission control efficiency of the chain-driven charbroiler and control device combination meets the applicable emission control efficiency of Section ~~6.76-6~~; and

~~6.5.3.36.4.3.3~~ Obtain a written certification, for the chain-driven charbroiler and control device combination from the APCO, in accordance with Section ~~6.86-7~~.

6.66-5 Test Methods

6.6.16-5.1 Determination of Emissions from Chain-Driven Charbroilers with Catalytic Oxidizers (SCAQMD Method)

The South Coast Air Quality Management District's Protocol – "Determination of Particulate and Volatile Organic Compound Emissions from Restaurant Operations," shall be used to determine the control efficiency of the control device.

6.6.26-5.2 Criteria Pollutant

ARB Test Method 100 shall be used to determine criteria pollutant emissions.

6.6.36-5.3 Alternative Test Methods

An owner or operator may use an alternative test method for which written approval of the EPA and the APCO has been obtained.

6.6.46-5.4 Calculation for Control Efficiency

The control system efficiency shall be calculated using the following equation:

$$\% \text{ Control Efficiency} = [(W_{\text{PM-10, inlet}} - W_{\text{PM-10, outlet}}) / W_{\text{PM-10, inlet}}] \times 100$$

Where:

$W_{\text{PM-10, inlet}}$ = weight of PM-10 at the inlet side of the emission control system, in mg

$W_{\text{PM-10, outlet}}$ = weight of PM-10 at the outlet side of the emission control system, in mg

6.76-6 Chain-Driven Charbroiler Control Technology Emission Control Efficiency Limits for Certification

When tested in accordance with Section 6.66-5, a control device shall have a control efficiency of at least 83 % with respect to PM-10 emissions; and at least 86 % with respect to VOC emissions.

6.86-7 Certification Procedure

6.8.16-7.1 Each manufacturer who requests certification of their compliant control equipment, shall submit an application to the APCO. The application shall:

6.8.1.16-7.1.1 Provide the following general information:

6.8.1.1.16-7.1.1.1 Name and address of manufacturer;

6.8.1.1.26-7.1.1.2 Brand name, trade name, model number;

6.8.1.1.36-7.1.1.3 Any accoutrements installed to enhance or support the operation of the control equipment; and

6.8.1.1.46-7.1.1.4 Operation conditions, including the maximum air flow rate;

6.8.1.26-7.1.2 Provide a description of the model being certified;

6.8.1.36-7.1.3 Include a complete certification source test report demonstrating that the control equipment was tested in accordance with procedure in Section 6.66-5;

6.8.1.46-7.1.4 Include a written statement that the model complies with the emission rate limit and citing the applicable emission rate limit; and

6.8.1.56-7.1.5 Be submitted to the District no more than 90 days after the date of the emissions compliance test conducted in accordance with Section 6.66-5.

6.8.26-7.2 The manufacturer may submit, to the APCO, an approved SCAQMD certification in lieu of conducting duplicative certification tests.

6.8.36-7.1.3 The APCO will approve or deny the request for certification after completing review of the application for certification and source test report.

~~7.0 — Compliance Schedule~~

~~7.1 — A chain driven charbroiler that is exempt from the control requirements of Rule 4692 on or before September 17, 2009 and becomes subject to the control requirements of Section 5.0, the charbroiler shall be in full compliance with the applicable rule requirements on and after January 1, 2011.~~

~~7.2 — Loss of Exemption~~

~~Except as noted in Section 7.1, an owner or operator of a charbroiler that loses its exempt status shall comply with the applicable requirements of Sections 5.0 and 6.0 of this rule when the charbroiler is returned to operation after the loss of exemption.~~

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RULE 4692 COMMERCIAL CHARBROILING (Adopted March 21, 2002; Amended September 17, 2009; Amended June 21, 2018)

1.0 Purpose

The purpose of this rule is to limit VOC and PM-10 emissions from commercial charbroiling.

2.0 Applicability

This rule applies to charbroilers used to cook meat at commercial cooking operations.

3.0 Definitions

3.1 Air Pollution Control Officer (APCO): as defined in Rule 1020 (Definitions)

3.2 Catalytic Oxidizer: a control device, which burns or oxidizes smoke and gases from the cooking process to carbon dioxide and water, using an infrastructure coated with a noble metal alloy.

3.3 Chain-driven Charbroiler: a semi-enclosed cooking device with a mechanical chain, which automatically moves food through the device.

3.4 Charbroiler: A cooking device composed of a grated grill and a heat source, where food resting on the grated grill cooks as the food receives direct heat from the heat source or a radiant surface.

3.5 Commercial Cooking Operations: any stationary facility that cooks food for human consumption and that engages in the retail sale, or offer for sale, of the cooked food. This includes, but is not limited to, restaurants, dinner houses, cafeterias, catering operations, and hotel or motel food service operations.

3.6 Meat: for the purposes of this rule, includes beef, lamb, pork, poultry, fish, and seafood.

3.7 Outdoor Operations: commercial cooking operations with under-fired charbroilers that are operated outdoors and which are not connected to an exhaust hood or other form of ventilation system.

3.8 PM-10: as defined in Rule 1020 (Definitions). For purposes of determining control efficiency, all particulate collected using the test method specified in Section 6.6 shall be considered PM-10.

3.9 Underfired charbroiler: a charbroiler, other than a chain-driven charbroiler, where the heat source and radiant surface, if any, are positioned at or below the level of the grated grill.

3.10 VOC: as defined in Rule 1020 (Definitions).

3.11 Weekly: a consecutive seven-day period.

4.0 Exemptions

4.1 Limited Use Exemption

4.1.1 A chain-driven charbroiler is exempt from the requirements of Section 5.0, provided:

4.1.1.1 It is not used to cook 400 pounds of meat or more in any calendar week, or

4.1.1.2 It is not used to cook more than 10,800 pounds in the most recent rolling 12-month period, and the amount of meat cooked every calendar week is less than 875 pounds, and the facility has not previously been required to comply with Section 5.0.

4.1.1.3 The claim of exemption is based on total quantity of meat cooked on each individual chain-driven charbroiler at the facility. To claim an exemption, operators must keep records in accordance with Section 6.1.

4.1.2 An underfired charbroiler shall not be subject to the requirements of Rule 4692, provided a one-time report, as specified in Section 5.2.1, is submitted to the District, and:

4.1.2.1 It is not used to cook 400 pounds of meat or more in any calendar week, or

4.1.2.2 It is not used to cook more than 10,800 pounds in any 12-month period and the amount of meat cooked every calendar week is less than 875 pounds.

4.2 Low-Emitting Units

4.2.1 The control requirements in Section 5.0 of this rule shall not apply to units that are shown, using the test method specified in Section 6.6, to emit less

than one pound per day of any criteria air pollutant. Applicable recordkeeping requirements of Section 6.1 shall apply.

4.2.2 The test results shall be used to determine the maximum amount of meat which can be cooked and still be exempt from control requirements.

4.2.3 Operators claiming this exemption shall provide adequate demonstration of emissions using the test method in Section 6.6 and keep records in accordance with applicable provisions of Section 6.1.

4.3 Outdoor operations shall not be subject to the requirements of this rule.

5.0 Requirements

5.1 Chain-Driven Charbroilers

5.1.1 No person shall operate a chain-driven charbroiler unless the chain-driven charbroiler is equipped and operated with a catalytic oxidizer. The catalytic oxidizer shall have a control efficiency of at least 83% for PM-10 emissions and a control efficiency of at least 86% for VOC emissions. Chain-driven charbroiler/catalytic oxidizers combinations certified by SCAQMD shall be deemed compliant for the purposes of this section.

5.1.2 Alternative control devices or methods may be used, if it is demonstrated that the alternative control device or alternative control method has a control efficiency of at least 83% for PM-10 emissions and a control efficiency of at least 86% for VOC emissions.

5.1.3 Control Device Maintenance

Control devices, including catalytic oxidizers, shall be maintained in good working order to minimize visible emissions to the atmosphere and operated, cleaned, and maintained in accordance with the manufacturer's specifications in a maintenance manual or other written materials supplied by the manufacturer or distributor of the control device or charbroiler.

5.2 Underfired Charbroilers

5.2.1 No later than January 1, 2019, the owner or operator of an underfired charbroiling operation shall submit a one-time report that includes the following information:

5.2.1.1 Name and location of the commercial cooking operation;

5.2.1.2 Number and size, in cooking surface square feet, of all

underfired charbroilers at the commercial cooking operation;

5.2.1.3 Type of fuel used to heat the underfired charbroiler(s);

5.2.1.4 Type and quantity, in pounds, of meat cooked on the underfired charbroiler(s) on a weekly basis for the previous 12-month period;

5.2.1.5 Daily operating hours of the commercial cooking operation;

5.2.1.6 Flowrate (cubic feet per minute) of hood or exhaust system(s) serving each underfired charbroiler; and

5.2.1.7 The manufacturer and model of any installed pollution control devices designed for the reduction of particulates, kitchen smoke and/or odor.

5.2.2 Underfired Charbroiler Registration Requirements

The owner of an underfired charbroiler subject to this rule shall register such underfired charbroiler pursuant to Rule 2250 (Permit-Exempt Equipment Registration), in lieu of permitting under the requirements of Rule 2010 (Permits Required).

6.0 Administrative Requirements

6.1 Records for Exempt Units

6.1.1 A chain-driven charbroiler owner or operator, claiming an exemption under Section 4.1, shall keep weekly records the total quantity, in pounds, of meat cooked on each chain-driven charbroiler on the premises.

6.1.2 A chain-driven charbroiler owner or operator claiming an exemption under Section 4.2 shall keep the following records:

6.1.2.1 The test results used to determine the maximum amount of meat which can be cooked on each charbroiler and still be exempt from control requirements; and

6.1.2.2 On a weekly basis, the total quantity, in pounds, of meat cooked on each charbroiler on the premises.

6.1.3 The applicable records required in Section 6.1.1 and Section 6.1.2 shall be retained on the premises for a period of not less than five years and made available to the District upon request.

6.2 Records for Chain-Driven Charbroilers Subject to Control Requirements

6.2.1 The owner or operator of a chain-driven charbroiler subject to the control requirements of Section 5.0 shall keep weekly records of the total quantity, in pounds, of meat cooked on each chain-driven charbroiler on the premises.

6.2.2 The records required in Section 6.2.1 shall be retained on the premises for a period of not less than five years and made available to the District upon request.

6.3 Records for Underfired Charbroilers Subject to Rule 4692 Requirements

6.3.1 The owner or operator shall keep weekly records of the total quantity, in pounds, for each type of meat cooked on each charbroiler on the premises.

6.3.2 The records required in Section 6.3.1 shall be retained on the premises for a period of not less than five years and made available to the District upon request.

6.4 Alternative Recordkeeping

Owners and operators may request an alternative record keeping method, provided the APCO and EPA have determined, in writing, that the alternative recordkeeping method provides equivalent compliance assurance as the records specified in applicable provisions of Sections 6.1 or 6.2.

6.5 Certification of Control Devices for Chain-Driven Charbroilers

6.5.1 A chain-driven charbroiler/catalytic oxidizer combination certified by SCAQMD shall be deemed certified for the purpose of this section.

6.5.2 For District certification, the operator shall submit sufficient information to assure that the chain-driven charbroiler and control device combination is adequately designed to meet the minimum emission control efficiency of Section 6.7.

6.5.3 In order for a control device manufacturer to obtain District certification, the manufacturer shall:

- 6.5.3.1 Obtain confirmation from an independent testing laboratory that the chain-driven charbroiler and control device combination has been tested in accordance with the applicable procedure in Section 6.6; and
- 6.5.3.2 Demonstrate that the emission control efficiency of the chain-driven charbroiler and control device combination meets the applicable emission control efficiency of Section 6.7; and
- 6.5.3.3 Obtain a written certification, for the chain-driven charbroiler and control device combination from the APCO, in accordance with Section 6.8.

6.6 Test Methods

6.6.1 Determination of Emissions from Chain-Driven Charbroilers with Catalytic Oxidizers (SCAQMD Method)

The South Coast Air Quality Management District's Protocol – "Determination of Particulate and Volatile Organic Compound Emissions from Restaurant Operations," shall be used to determine the control efficiency of the control device.

6.6.2 Criteria Pollutant

ARB Test Method 100 shall be used to determine criteria pollutant emissions.

6.6.3 Alternative Test Methods

An owner or operator may use an alternative test method for which written approval of the EPA and the APCO has been obtained.

6.6.4 Calculation for Control Efficiency

The control system efficiency shall be calculated using the following equation:

$$\% \text{ Control Efficiency} = [(W_{\text{PM-10, inlet}} - W_{\text{PM-10, outlet}}) / W_{\text{PM-10, inlet}}] \times 100$$

Where:

$W_{\text{PM-10, inlet}}$ = weight of PM-10 at the inlet side of the emission control system, in mg

$W_{\text{PM-10, outlet}}$ = weight of PM-10 at the outlet side of the emission control system, in mg

6.7 Chain-Driven Charbroiler Control Technology Emission Control Efficiency Limits for Certification

When tested in accordance with Section 6.6, a control device shall have a control efficiency of at least 83 % with respect to PM-10 emissions; and at least 86 % with respect to VOC emissions.

6.8 Certification Procedure

6.8.1 Each manufacturer who requests certification of their compliant control equipment, shall submit an application to the APCO. The application shall:

6.8.1.1 Provide the following general information:

6.8.1.1.1 Name and address of manufacturer;

6.8.1.1.2 Brand name, trade name, model number;

6.8.1.1.3 Any accoutrements installed to enhance or support the operation of the control equipment; and

6.8.1.1.4 Operation conditions, including the maximum air flow rate;

6.8.1.2 Provide a description of the model being certified;

6.8.1.3 Include a complete certification source test report demonstrating that the control equipment was tested in accordance with procedure in Section 6.6;

6.8.1.4 Include a written statement that the model complies with the emission rate limit and citing the applicable emission rate limit; and

6.8.1.5 Be submitted to the District no more than 90 days after the date of the emissions compliance test conducted in accordance with Section 6.6.

- 6.8.2 The manufacturer may submit, to the APCO, an approved SCAQMD certification in lieu of conducting duplicative certification tests.
- 6.8.3 The APCO will approve or deny the request for certification after completing review of the application for certification and source test report.

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Vida
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PROOF OF PUBLICATION

COUNTY OF FRESNO STATE OF CALIFORNIA

Exhibit A

The undersigned states:

McClatchy Newspapers in and on all dates herein stated was a corporation, and the owner and publisher of The Fresno Bee. The Fresno Bee is a daily newspaper of general circulation now published, and on all-the-dates herein stated was published in the City of Fresno, County of Fresno, and has been adjudged a newspaper of general circulation by the Superior Court of the County of Fresno, State of California, under the date of November 28, 1994, Action No. 520058-9.

The undersigned is and on all dates herein mentioned was a citizen of the United States, over the age of twenty-one years, and is the principal clerk of the printer and publisher of said newspaper; and that the notice, a copy of which is hereto annexed, marked Exhibit A, hereby made a part hereof, was published in The Fresno Bee in each issue thereof (in type not smaller than nonpareil), on the following dates.

May 16, 2018

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Dated May 25, 2018

Miracle L. Thomas

PUBLIC NOTICE

#3660958

SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a public hearing will be held on June 21, 2018 at 9:00 AM, or as soon thereafter as may be heard, at 1990 East Gettysburg Ave., Fresno, California. The public hearing may also be attended through video teleconferencing at San Joaquin Valley Air Pollution Control District's (District's) regional offices at 34946 Flyover Court, Bakersfield, California and at 4800 Enterprise Way, Modesto, California. The public hearing will also be presented live via webcast at www.valleyair.org/webcast. The following action will be considered at said hearing:

Adopt Proposed Amendments to Rule 4692 (Commercial Charbroiling)

NOTICE IS FURTHER GIVEN that the adopted rule will be submitted through the California Air Resources Board to the United States Environmental Protection Agency for incorporation as part of the California State Implementation Plan (SIP). The proposed action would constitute a SIP revision.

NOTICE IS FURTHER GIVEN that, the District has prepared analyses required by California Health and Safety Code Section 40727 et seq.

NOTICE IS FURTHER GIVEN that all interested persons desiring to be heard or to present evidence on said matters may appear at said hearing. Interested persons may view the proposed rule and supporting documents at the District offices and on-line at www.valleyair.org/workshop.

Copies of the documents will be made available on and after May 22, 2018. To obtain copies of the documents, please call (559) 230-6100, or FAX your request to (559) 230-6064. You can receive news for rules and plans via email by subscribing to the District's email notification list at: www.valleyair.org/lists/list.htm.

Para solicitar servicios de interpretación en Español, por favor póngase en contacto con Maricela Velosquez al (559) 230-6000 por lo menos 7 días antes de la fecha de la reunión.

Comments on the proposed rule should be addressed to Ms. Jessica Coria, via mail at 1990 East Gettysburg Ave., Fresno, CA 93726 or via email at jessica.coria@valleyair.org. Written comments received by 5:00 PM on June 5, 2018 will be ensured consideration ahead of the June 21, 2018 Governing Board public hearing. Comments may also be submitted at any time prior to or during the June 21, 2018 public hearing. For additional information, please contact staff at (559) 230-6100.

5/16/18
CNS-3132491#
THE FRESNO BEE

PROOF OF PUBLICATION

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STATE OF CALIFORNIA
COUNTY OF KERN

I AM A CITIZEN OF THE UNITED STATES AND A RESIDENT OF THE COUNTY AFORESAID: I AM OVER THE AGE OF EIGHTEEN YEARS, AND NOT A PARTY TO OR INTERESTED IN THE ABOVE ENTITLED MATTER. I AM THE ASSISTANT PRINCIPAL CLERK OF THE PRINTER OF THE BAKERSFIELD CALIFORNIAN, A NEWSPAPER OF GENERAL CIRCULATION, PRINTED AND PUBLISHED DAILY IN THE CITY OF BAKERSFIELD COUNTY OF KERN,

AND WHICH NEWSPAPER HAS BEEN ADJUDGED A NEWSPAPER OF GENERAL CIRCULATION BY THE SUPERIOR COURT OF THE COUNTY OF KERN, STATE OF CALIFORNIA, UNDER DATE OF FEBRUARY 5, 1952, CASE NUMBER 57610; THAT THE NOTICE, OF WHICH THE ANNEXED IS A PRINTED COPY, HAS BEEN PUBLISHED IN EACH REGULAR AND ENTIRE ISSUE OF SAID NEWSPAPER AND NOT IN ANY SUPPLEMENT THEREOF ON THE FOLLOWING DATES, TO WIT: 5/16/18

ALL IN YEAR 2018

I CERTIFY (OR DECLARE) UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

B. Mentez

DATED AT BAKERSFIELD CALIFORNIA

5/16/18

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First Text

SAN JOAQUIN VALLEY AIR POLLUTION CONTROL

Ad Number 14482467

SAN JOAQUIN VALLEY AIR POLLUTION
CONTROL DISTRICT
NOTICE IS HEREBY GIVEN that a public
hearing will be held on June 21, 2018 at 9:00
AM, or as soon thereafter as may be heard, at
1990 East Gettysburg Ave., Fresno, Califor-
nia. The public hearing may also be attended
through video teleconferencing at San Joaquin
Valley Air Pollution Control District's
District's regional offices at 34946 Flyover
Court, Bakersfield, California and at 4800
Enterprise Way, Modesto, California. The
public hearing will also be presented live via
webcast at www.valleyair.org/webcast. The
following action will be considered at said
hearing:
Adopt Proposed Amendments to:
Rule 4692 (Commercial Chiropractic)
NOTICE IS FURTHER GIVEN that the adopted
rule will be submitted through the California
Air Resources Board to the United States
Environmental Protection Agency for incor-
poration as part of the California State Imple-
mentation Plan (SIP). The proposed action
would constitute a SIP revision.
NOTICE IS FURTHER GIVEN that, the Dis-
trict has prepared analyses required by Cal-
ifornia Health and Safety Code Section 40727
et seq.
NOTICE IS FURTHER GIVEN that all inter-
ested persons desiring to be heard or to
present evidence on said matters may appear
at said hearing. Interested persons may view
the proposed rule and supporting documents
at the District offices and on-line at [www.val-
leyair.org/workshop](http://www.val-
leyair.org/workshop).
Copies of the documents will be made avail-
able on and after May 22, 2018. To obtain
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230-6100, or FAX your request to (559)
230-6064. You can receive news for rules
and plans via email by subscribing to the
District's email notification list at: [www.val-
leyair.org/lis/list.htm](http://www.val-
leyair.org/lis/list.htm).
Para solicitar servicios de interpretación en
Español, por favor póngase en contacto con
Maricela Velasquez al (559) 230-6000 por lo
menos 7 días antes de la fecha de la reunión.
Comments on the proposed rule should be
addressed to Ms. Jessica Coria, via mail at
1990 East Gettysburg Ave., Fresno, CA
93726 or via email at
jessica.coria@valleyair.org. Written com-
ments received by 5:00 PM on June 5, 2018
will be ensured consideration ahead of the
June 21, 2018 Governing Board public hear-
ing. Comments may also be submitted at any
time prior to or during the June 21, 2018
public hearing. For additional information,
please contact staff at (559) 230-6100.
5/16/18
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ORDER NUMBER 81710

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County of Kings

I am a citizen of the United States and a resident of the county
forsaid; I am over the age of eighteen years, and not a part to or
interested in the above-entitled matter. I am the principal clerk of The
Hanford Sentinel, a newspaper of general circulation, printed and
published daily in the city of Hanford, County of Kings, and which
newspaper has been adjudged a newspaper of general circulation by
the superior court of the County of Kings, State of California, under
the date of October 23, 1951, case number 11623.

That I know from my own personal knowledge the notice, of which the
annexed is a printed copy (set in type not smaller than nonpareil), has
been published in each regular and entire issue of said newspaper and
not in any supplement thereof on the following dates, to wit:

PUBLISHED ON: 05/16/2018



FILED ON:

5/16/2018

I certify (or declare) under penalty of perjury that the foregoing is true
and correct.

Dated at Kings County, California

This Day 16th of May, 2018.

Signature

MARK DANIEL

AD# 81710

**SAN JOAQUIN VALLEY AIR
POLLUTION CONTROL DISTRICT
NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that a public hearing will be held on June 21, 2018 at 9:00 AM, or as soon thereafter as may be heard, at 1990 East Gettysburg Ave., Fresno, California. The public hearing may also be attended through video teleconferencing at San Joaquin Valley Air Pollution Control District's (District's) regional offices at 34946 Flyover Court, Bakersfield, California and at 4800 Enterprise Way, Modesto, California. The public hearing will also be presented live via webcast at www.valleyair.org/webcast. The following action will be considered at said hearing:

**Adopt Proposed Amendments to
Rule 4692 (Commercial
Charbroiling)**

NOTICE IS FURTHER GIVEN that the adopted rule will be submitted through the California Air Resources Board to the United States Environmental Protection Agency for incorporation as part of the California State Implementation Plan (SIP). The proposed action would constitute a SIP revision.

NOTICE IS FURTHER GIVEN that, the District has prepared analyses required by California Health and Safety Code Section 40727 et seq.

NOTICE IS FURTHER GIVEN that all interested persons desiring to be heard or to present evidence on said matters may appear at said hearing. Interested persons may view the proposed rule and supporting documents at the District offices and on-line at www.valleyair.org/workshop.

Copies of the documents will be made available on and after May 22, 2018. To obtain copies of the documents, please call (559) 230-6100, or FAX your request to (559) 230-6064. You can receive news for rules and plans via email by subscribing to the District's email notification list at: www.valleyair.org/lists/list.htm.

Para solicitar servicios de interpretación en Español, por favor póngase en contacto con Maricela Velasquez al (559) 230-6000 por lo menos 7 días antes de la fecha de la reunión.

Comments on the proposed rule should be addressed to Ms. Jessica Coria, via mail at 1990 East Gettysburg Ave., Fresno, CA 93726 or via email at jessica.coria@valleyair.org. Written comments received by 5:00 PM on June 5, 2018 will be ensured consideration ahead of the June 21, 2018 Governing Board public hearing. Comments may also be submitted at any time prior to or during the June 21, 2018 public hearing. For additional information, please contact staff at (559) 230-6100.

5/16/18
CNS-3132486#
THE HANFORD SENTINEL

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(2015.5 C.C.P.)

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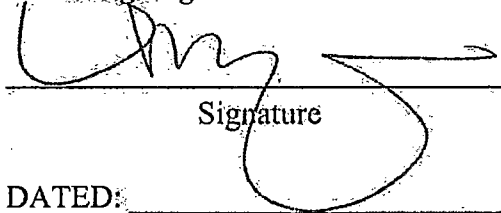
STATE OF CALIFORNIA)) ss.

County of Madera)

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk of the printer of the Madera Tribune, a newspaper of general circulation, published in the City of Madera, County of Madera, and which newspaper has been adjudged a newspaper of General circulation by the Superior Court of the County of Madera, State of California, under the date of November 9, 1966, Case Number 4875 that the notice, of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:

MAY 16, 2018

I certify or declare under penalty of perjury that the foregoing is true and correct.


Signature

DATED: MAY 16, 2018

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Adjudged a newspaper of general circulation by court decree No. 4875 dated November 8, 1966
The Madera Tribune

SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT
NOTICE OF PUBLIC HEARING
NOTICE IS HEREBY GIVEN that a public hearing will be held on June 21, 2018 at 9:00 AM, or as soon thereafter as may be heard, at 1890 East Galtysburg Ave., Fresno, California. The public hearing may also be attended through video teleconferencing at San Joaquin Valley Air Pollution Control District's (District's) regional offices at 34946 Flyover Court, Bakersfield, California and at 4800 Enterprise Way, Modesto, California. The public hearing will also be presented live via webcast at www.valleyair.org/webcast. The following action will be considered at said hearing: Adopt Proposed Amendments to Rule 4692 (Commercial Charbroiling). NOTICE IS FURTHER GIVEN that the adopted rule will be submitted through the California Air Resources Board to the United States Environmental Protection Agency for incorporation as part of the California State Implementation Plan (SIP). The proposed action would constitute a SIP revision. NOTICE IS FURTHER GIVEN that the District has prepared analyses required by California Health and Safety Code Section 40727, et seq. NOTICE IS FURTHER GIVEN that all interested persons desiring to be heard or to present evidence on said matters may appear at said hearing. Interested persons may view the proposed rule and supporting documents at the District offices and on-line at www.valleyair.org/workshop. Copies of the documents will be made available on and after May 22, 2018. To obtain copies of the documents, please call (559) 230-6100 or FAX your request to (559) 230-6084. You can receive news for rules and plans via email by subscribing to the District's email notification list at www.valleyair.org/list/first.htm. Para solicitar servicios de interpretación en Español, por favor póngase en contacto con Maricela Velazquez al (559) 230-6000 por lo menos 7 días antes de la fecha de la reunión. Comments on the proposed rule should be addressed to Ms. Jessica Coria, via mail at 1890 East Galtysburg Ave., Fresno, CA 93726 or via email at jessica.coria@valleyair.org. Written comments received by 5:00 PM on June 5, 2018 will be ensured consideration ahead of the June 21, 2018 Governing Board public hearing. Comments may also be submitted at any time prior to or during the June 21, 2018 public hearing. For additional information, please contact staff at (559) 230-6100. 5/16/18
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Declaration of Publication 2015.5 C.C.P.

STATE OF CALIFORNIA)
) ss.
 County of Merced)

I am a citizen of the United States; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk of the printer of the Merced Sun-Star, a newspaper of general circulation, printed and published in the city of Merced, County of Merced, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Merced, State of California, under the date of July 14, 1964 Case Number 33224 that the notice, of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:

May 16, 2018

I certify (or declare) under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Merced, California on:

Date: 17th, day of May, 2018

Cynthia A. Mohammed

Signature

SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT

NOTICE OF PUBLIC HEARING
 NOTICE IS HEREBY GIVEN that a public hearing will be held on June 21, 2018 at 9:00 AM, or as soon thereafter as may be heard, at 1990 East Gettysburg Ave., Fresno, California. The public hearing may also be attended through video teleconferencing at San Joaquin Valley Air Pollution Control District's (District's) regional offices at 34946 Flyover Court, Bakersfield, California and at 4800 Enterprise Way, Modesto, California. The public hearing will also be presented live via webcast at www.valleyair.org/wbcast. The following action will be considered at said hearing:

**Adopt Proposed Amendments to
 Rule 4692 (Commercial
 Charbrilling)**

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Para solicitar servicios de interpretación en Español, por favor póngase en contacto con Maricela Velasquez al (559) 230-6000 por lo menos 7 días antes de la fecha de la reunión.

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Written comments received by 5:00 PM on June 5, 2018 will be ensured consideration ahead of the June 21, 2018 Governing Board public hearing. Comments may also be submitted at any time prior to or during the June 21, 2018 public hearing. For additional information, please contact staff at (559) 230-6100.

5/16/18
 CNS-3132488#
 MERCED SUN-STAR
 MER-3661148 5/16



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**THE RECORD
PROOF OF PUBLICATION**

STATE OF CALIFORNIA
COUNTY OF SAN JOAQUIN

THE UNDERSIGNED SAYS:

I am a citizen of the United States and a resident of San Joaquin County; I am over the age of 18 years and not a part to or interested in the above-entitled matter. I am the principal clerk of the printer of THE RECORD, a newspaper of general publication, printed and published daily in the City of Stockton, County of San Joaquin by the Superior Court of the County of San Joaquin, State of California, under the date of February 26, 1952, File No. 52857, San Joaquin County Records; that the notice of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published each regular and entire issue of said newspaper and not in any supplement thereof on the following dates,
To wit,

May 16 2018

I declare under penalty of perjury that the foregoing is true and correct. Executed on May 16, 2018
In Stockton California



Delailah Little,
The Record

0001120081

**SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT
NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that a public hearing will be held on June 21, 2018 at 9:00 AM, or as soon thereafter as may be heard, at 1990 East Gettysburg Ave., Fresno, California. The public hearing may also be attended through video teleconferencing at San Joaquin Valley Air Pollution Control District's (District's) regional offices at 34946 Flyover Court, Bakersfield, California and at 4800 Enterprise Way, Modesto, California. The public hearing will also be presented live via webcast at www.valleyair.org/webcast. The following action will be considered at said hearing:

**Adopt Proposed Amendments to
Rule 4692 (Commercial Charbroiling)**

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5/16/18

CNS-3132492#

THE RECORD #1120081





The Modesto Bee

modbee.com

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Declaration of Publication C.C.P. S2015.5

STATE OF CALIFORNIA)
) ss.
County of Stanislaus)

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5/16/18

CNS-3132489#

THE MODESTO BEE
MOD-3661132 5/16

I am a citizen of the United States; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am a printer and principal clerk of the publisher of the The Modesto Bee, which has been adjudged a newspaper of general circulation by the Superior Court of the County of Stanislaus, State of California, under the date of February 25, 1951 Action No. 46453. The notice of which the annexed is a printed copy has been published in each issue thereof on the following dates, to wit:

May 16, 2018

I certify (or declare) under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Modesto, California on:

Date: 17th, day of May, 2018

Cynthia A. Vukhammer

Signature



* A 0 0 0 0 0 4 7 6 4 5 6 5 *

Visalia Newspapers, Inc.
P.O. Box 31, Visalia, CA 93279
559-735-3200 / Fax 559-735-3210

Certificate of Publication

State Of California ss:
County of Tulare

Advertiser:

CALIFORNIA NEWSPAPER SERV/TUL
915 E FIRST ST
LOS ANGELES , CA 90012

**RE: SAN JOAQUIN VALLEY AIR POLLUTION
CONTROL DISTRICT NOTICE OF PUBLIC**

I, a legal Clerk, for the below mentioned newspaper(s), am over the age of 18 years old, a citizen of the United States and not a party to, or have interest in this matter. I hereby certify that the attached advertisement appeared in said newspaper

Newspaper: **Visalia Times Delta**

5/16/2018

I acknowledge that I am a principal clerk of said paper which is printed and published in the City of Visalia, County of Tulare, State of California. The Visalia Times Delta was adjudicated a newspaper of general circulation on July 25, 2001 by Tulare County Superior Court Order No. 41-20576. The Tulare Advance Register was adjudicated a newspaper of general circulation on July 25, 2001 by Superior Court Order No. 52-43225.

I declare under penalty of perjury that the foregoing is true and correct. Executed on this 21 day of May, 2018 in Visalia, California.


Declarant

Order # 0002919412



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POLLUTION CONTROL DISTRICT
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5/16/18

CNS-3132493#
VISALIA TIMES-DELTA
Pub: May 16, 2018
#2919412